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THE MANAGEMENT OF ACCESSION
TO THE EUROPEAN UNION
IN POLAND AND HUNGARY



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FOREWORD

The accession of countries from Central and Eastern Europe will bring about change in many ways for the European Union. Even before membership, the European Union has already induced considerable changes inside the candidate countries. At the domestic level, the European Union has put its mark on politics, economy and society.

Students and even more practitioners of European politics know that the European Union is a multi-level political system that cannot be regarded isolated from the domestic sphere of policy making. Even today civil servants and politicians from Budapest, Warsaw and other capitals of candidate countries quite regularly travel to Brussels to consult and negotiate with actors of EU institutions and their counterparts in current member states on political issues that have a direct effect on their home countries. Compared to other “normal” international organisations the European Union is very specific in its demands and affects across policies domestic actors from national down to the regional levels of public service and government.

The overall catchword for these manifold processes is “Europeanisation”. We understand Europeanisation as a shift of attention of all national institutions and their increasing participation – in terms of the number of actors and the intensity – in the EC/EU decision-making cycle. EU Europeanisation is about the resources in time, personnel and money directed by the current and future member states towards the EU level. Over the last years, Europeanisation has become a prominent academic concept that is based on empirical processes in the political systems, notably in the sphere of public administration and adds a specific perspective to the analysis of integration processes. This leads to the overall question about the impact of EU membership on public administrations. In which ways does the preparation for membership already impact on domestic administrative and policy-making structures? The candidate countries have already been drawn into this EU multi-level system before they actually accede to the European Union.

On this background the Institut für Europäische Politik (IEP) and the Jean-Monnet-Chair at the University of Cologne started a project on the specific impact of EU membership on public administrations and the central executive in candidate countries. At the IEP, Dr. Barbara Lippert and Dr. Mathias Jopp are involved in the project; at the University of Cologne, Gaby Umbach, M.A., and Prof. Dr. Wolfgang Wessels. The project is funded by the *Volkswagen-Stiftung*. The project team works together with partners in the Czech Republic, Estonia, Hungary, Poland and Slovenia. The two papers we publish in this working paper series are the result of this fruitful and long-standing cooperation. Dorota Pyszna from the Trans European Policy Studies Association (TEPSA), Brussels, and Krisztina Vida from the Institute for World Economics, Budapest, focus on the management of accession to the European Union and the EU-related decision- and policy-making structures in Poland and Hungary respectively. They give us an insight into the stages of Europeanisation of the central administration in the two countries. They also provide readers with some basic information on the transformation, reforms and current development of public administration and highlight the impact of the EU. They describe in particular the evolving government structures and key actors with regard to EU policy-making. Here the accession negotiations and the implementation of the pre-accession strategy of the European Union serve as empirical background for their analysis.

Thus, the papers deal with key aspects of our project on “Europeanisation of public administrations in Central and Eastern Europe in the process of transformation and integration”. Our research is guided by several hypotheses and observations. First of all, we can see that there are stages of Europeanisation in the candidate countries which also affect the sphere of public administration from the Europe agreements in the early nineties up to the current membership negotiations. The EU pressures candidates to reform the national administrations in anticipation of membership. That is also why at the Laeken summit in December

2001 the EU launched a specific action plan to strengthen the administrative and judicial capacity in the candidate countries. Current weaknesses in implementing the *acquis communautaire* and in having institutions as well as skilled personnel in place are regarded as an Achilles heel of future membership. This might limit the policy making capacities and the impact of the new members on decision-making within the EU. But it might also deteriorate the functioning of the internal market and other policy areas where the EU depends heavily on proper implementation at the level of member states. However, the EU does not offer a precise administrative target zone for the ongoing adaptation processes in candidate countries. Overall one can say that anticipated EU membership has become a driving force for administrative reform, but candidate countries still need medium-term strategies for developing into efficient multi-level players in the European policy-making process (cf. for further reading Barbara Lippert/Gaby Umbach/Wolfgang Wessels: Europeanisation of CEE executives: EU membership negotiations as a shaping power, in: *Journal of European Public Policy*, 8:6 December 2001, pp. 980-1012, also www.iep-berlin.de/forschung/moe-europaeisierung).

Secondly, the pressures the EU puts on would-be and current members are not uniform but involve different mechanisms of Europeanisation and modes of governance. National reactions and solutions with regard to this demand to adapt do not converge – not least because there is also no single model of national administration in the EU itself. This is true with regard to implementation structures as well as the basic institutional framework for EU policy making. And so, when reading the contributions by Dorota Pyszna and Krisztina Vida, one can realise differences and national characteristics as far as structures, actors and the background of the political systems and

the traditions of public administrations are concerned.

Thirdly, in the current membership negotiations the central executives of the candidate countries play a dominant role. This could reinforce also a trend towards the strengthening of officials at the expense of other political actors in the EU policy cycle after accession. This trend might challenge democratic legitimacy and acceptance of EU membership in the new democracies of Central and Eastern Europe.

The papers presented in this document look at selected aspects of the overall Europeanisation of public administration in Poland and Hungary. Both authors come to the conclusion that the established systems are not yet stable, but undergo changes as we could witness after the general elections in Hungary, in 2002 for example. The candidates also have to react to new demands from the EU-system, so that Europeanisation will not be completed with the moment of membership but remains a challenge for every member state. We therefore hope that the readers will take an interest in the functioning and specific conditions of the evolving EU-policy making structures in two key future members of the EU.

We are very grateful to the authors for their contributions and to the whole project team including our partners in the candidate countries for their contributions to the workshops in particular in Brussels and Natolin (Poland) where we discussed topics of the project over the last months. We are also indebted to those experts in Brussels and in the capitals of candidate countries for sharing their assessments and insights with us. Finally, we wish to thank the *Volkswagen-Stiftung* for supporting the research project and, of course, the Institute for World Economics for including these papers into its working paper-series. It is another example of our excellent cooperation on European integration over many years which we will continue in the future.

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The Management of Accession to the European Union – EU-Related Decision and Policy-Making in Poland

ABSTRACT

The present paper concentrates on developments regarding the process of transformation of Polish public administration since 1989, with a special emphasis on institution building and Poland's administrative readiness to cope with EU integration matters. In particular the structures and the character of policy-making are analysed with regard to capacity to implement the *acquis communautaire*. A major question remains if the Polish public administration can guarantee proper implementation of the EU rules and if Polish civil servants are already prepared to become integrated into the European Administrative space.¹

Particular attention has been paid to the institutional framework for accession and to the actors involved in the EU-related decision-making process, at all levels of central administration. In fact, important developments have been observed over the last ten years, during which circles of public administration dealing with EU affairs have significantly increased: from a core expert group to a significantly broader number of civil servants. Additionally, Polish-specific phenomena are a rotation of key-actors in-

side the governmental structure and a certain elitism in dealing with EU issues.

The paper identifies major problems which the Polish administration faces, such as enforcement of reforms, difficulties with strengthening of institutions, corruption in the power circles and problems of the understaffing and underestimation of the civil service. Finally, no one should neglect cultural preconditions and questions of values and post-communist mentality, which make the speeding up the adaptation process difficult.

1) STARTING POINTS FOR EU ACCESSION

The democratic reforms, which started in 1989, have focused on the transformation of the political system as well as the modernisation of Poland's economy. The process of transformation of the Polish political and economic system was from the very beginning accompanied by an aspiration to get closer to the EU. Very quickly the European Union became a reference point and model for democratisation, as Poland tried to reach the Union's political and economic standards.

EU membership requires a broad adjustment of economic and social systems. In fact, the Polish transformation process is greatly influenced by the need to adapt to EU rules and decision-making processes. Administrative capacity building is one of

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¹ For the definition of the term refer to: B. Lippert, G. Umbach, W. Wessels (2001), 'Europeanisation of CEE Executives: EU Membership Negotiations as a Shaping Power', *Journal of European Public Policy*, Vol. VIII, No. VI, p. 980-1012 and SIGMA Paper (1998), 'Preparing Public Administrations for the European Administrative Space', SIGMA Papers No. 23, CCNM/SIGMA/PUMA/(98)39.

the most fundamental prerequisites for accession, since a well functioning institutional framework is a horizontal prerequisite for all sectoral reforms and changes. "Europeanisation" of public administration can be understood as "a gradual process of democratisation and also decentralisation and comprehensive modernisation of public administrations of Central European States".² Reforms aimed at transformation and modernisation of the public administration system are therefore a key element of the process of Europeanisation.

Accession to the EU can be a success only if the implementation of necessary reforms is fully achieved. Effective implementation of EU rules is the most difficult issue on the way towards accession, because of its relation to the process of rebuilding institutional and regulatory structures. Only a full implementation capacity will allow Poland to become a fully-fledged decision-maker in an enlarged Union.

The main aim of this paper is to make reflections on the relationship between Poland's aspirations to become a member of the European Union and the reform of public administration. Accession to the EU is considered as the main priority of Poland's external policy. To reach this goal, the process requires a quick and harmonious adaptation of Polish administration to deal with EU policies at the national level, as well as to participate actively in EU decision-making in the future.

1.1. The political system

At the beginning of the 21st century, the Republic of Poland is a democratic state based on the rule of law and the principle of social justice, where political rights such as freedom of association and speech, protection of property and respect for privacy are ensured.

² A. W. Jablonski (1997), 'Europeanisation of Public Administration in Central Europe. Poland in Comparative Perspective', Final Report, NATO Research Fellowship Report 1997, p. 19.

The new constitution adopted in 1997 has introduced a clear division of powers between state institutions and created greater transparency of the functioning of the state. In Agenda 2000, the European Commission stressed the importance of democratic stability and began the monitoring of institutional developments in Poland. Since 1999 the European Commission has stressed that Poland has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities; one of the political criteria laid down in Copenhagen.³

The Polish constitutional model is based on the principle of separation of powers between the legislature, the executive and the judiciary. The Council of Ministers (government) is the primary executive organ, whereas the President has limited prerogatives in the executive. Poland has traditionally been part of the continental law tradition and the legal system is based on a hierarchy of legal norms (constitution, statutory laws, international agreements, regulations issued by constitutional organs, resolutions of the Council of Ministers and local legal enactments).⁴

The possibility for accession to the EU is laid down in the Polish constitution from April 1997, which provides a framework for integration with international organisations. According to Article 90 of the constitution, the Republic of Poland may, on the basis of an international treaty, hand over the authorities of the state organs in some matters to the international organisation or to the international organ. This article corresponds to provisions existing in constitutions of EU member states, which enable a transfer of sovereignty.

³ European Commission (1999, 2000, 2001), 'Regular Report on Poland's Accession to the European Union' Brussels, 1999, 2000 and 2001.

⁴ SIGMA (2000), Public Management Profiles of CEEC: Poland, p. 3.

1.2. Poland's priorities with a view to EU accession

EU membership is seen as the best guarantee of consolidating Poland's democratic system founded on the principle of the rule of law, with a market economy and friendly relations with all its neighbours and other European states. Accession to the EU will ensure the irreversibility of the transformation process by strengthening links between Poland and the EU member states.

As stressed in the National Strategy of Integration, the economic advantages are participation in the Single European Market ensuring a free movement of goods, services, persons and capital, access to structural funds, as well as the inflow of investment and new technologies.⁵

Poland wants to play an active role as a future EU member, participating in the activities of all EU institutions and in all three pillars. This ambition is at the origin of Poland's negotiating policy aimed at adopting all key policies at the moment of accession *e.g.* the Common Agricultural Policy, free movement of workers *etc.* The engagement also includes the participation in inter-governmental co-operation within the EU, in the area of Common Foreign and Security Policy and in the Justice and Home Affairs. It sees EU membership as a way to initiate policies and participate in decision-making at the international level. This will also allow Poland to have a positive influence to help solve strategic international problems, which would not be possible outside the Union.⁶ Besides, the political benefit lies in the building of closer individual, local and regional ties between Poland and the rest of Europe. Additionally, the country has ambitions to belong to the "six big" member states of the EU and to benefit from

a particularly strong position in the EU decision-making process.

Increasing proximity to the EU, through consecutive stages since 1989, is taking place in the context of relative instability and strong polarisation of the political scene. However, Poland has attained a general political consensus on EU accession that is shared by both left and centre-right groups. For more than ten years, consecutive Polish governments have been working on approximation of Polish law to the EC rules, and, above all, to the requirements of the Common Market. This implies not only necessary structural changes in the public administration, but also decentralisation of competences and the setting up of decentralised bodies and agencies. Finally, this also entails changes in attitude and the professional ethic of civil servants in order to cope with EU affairs and the fight against corruption.

Accession to the EU is contributing to the speeding up of reforms. The aim of the reform is not only to reshape the state after more than 40 years of communist regime, but also to attain as quick as possible the level of current EU member states, in terms of political standards and economic growth. Politicians from the centre-right (democratic parties issued from the Solidarity movement) and the left wing of the political scene (post-communists) tend to use European integration as an argument to justify the rationale for difficult internal reforms to the public. As an example, a parallel introduction of four reforms by the Buzek government in 1999 (administrative reform, health reform, pension system reform and education system reform) was explained to the society as a prerequisite for EU accession. It has not been pointed out that the main need for these reforms was an internal one. At the same time, an 'over-reliance' on the EU in legitimising the country's reforms frees the political class from the responsibility for making political choices and prevents the development of an adequate internal motivation for reforms. Following this thinking, the European Union and its institutions are therefore supposed to care and

⁵ National Strategy for Integration, Warsaw, 1997, p. 8.

⁶ Rada Ministrów (Council of Ministers) (2000), 'Raport w sprawie korzyści i kosztów integracji RP z UE' (Rapport on Benefits and Costs of Poland's integration with the EU), Warsaw, 26 July 2000, pp. 51-53.

take responsibility for the difficulties caused by the afore mentioned internal reforms.

1.3. Public support for enlargement

1.3.1 Public opinion

Integration with the EU is a goal generally accepted by Polish society, as Poles see themselves as firmly belonging to European civilisation which is currently represented by the European Union and its system of values. In the early 90s public support for EU membership was the highest of any CEEC (more than 80 per cent of Poles were in favour). However, since 1999 the number of supporters varies between 50 and 55 per cent. Most Poles agree that joining the EU is the best scenario for Poland, which results also from a lack of alternatives. In July 2001, 53 per cent of Poles were in favour of European integration, 25 per cent – against, whereas 22 per cent do not have an opinion on this subject.⁷ It is interesting to note that since April 2001 the number of supporters has been relatively stable, numbers of opponents has decreased and the number of undecided has increased.

The falling support for EU integration is due to several factors. First the high level of Polish support did not represent “a conscious and considered declaration of support”.⁸ Other aspects are lack of information on costs and benefits of EU accession and a ‘politicisation’ of the public debate.⁹ Lack of support can also mean the rejection of the political elite, which is in favour of

⁷ CBOS, Public Opinion Poll, ‘Opinions of Polish People on European Integration’, July 2001 and literature on public opinion in Poland: A. Szczerbiak (2001), ‘Polish Public Opinion: Explaining Declining Support for EU Membership’, in: *Journal of Common Market Studies*, 1/01 pp. 105-122 and M. Kucia (1999), ‘Public Opinion in Central Europe on EU Accession: The Czech Republic and Poland’, in: *Journal of Common Market Studies* 1/99, pp. 143-152.

⁸ A. Szczerbiak (2000), ‘Public opinion and Eastward Enlargement. Explaining declining support for EU membership in Poland’, Sussex European Institute, *SEI Working Papers* No. 34, p. 20.

⁹ *Ibid.*, p.21.

integration. A long term analysis of public support for joining the EU shows a significant change of tendencies from the great enthusiasm and widespread acceptance of the early 1990s; to more reticence about the idea in the period after Poland submitted its membership application (in 1994).¹⁰

Initially, too high public expectations about the benefits of EU accession and the lack of enthusiasm about enlargement on the part of EU member states increased the euroscepticism of the Polish society. Other main sources of euroscepticism are pragmatism (distance and mistrust towards any abstract political project), post-communist mentality (economic interests are the most important), provinciality (peripheral location in Europe raises complex of inferiority) and historical experiences (rejection by the western world in the past). Political groups against EU accession use different arguments from the above list. The peasant radical party (*Samoobrona*) instrumentalises the historical experiences argument as well as pragmatism and the post-communist mentality argument. Fear of economic costs of enlargement and mistrust towards a political project are the most pronounced in this group. On the other hand, the conservative right-wing parties (League of Polish Families – *Liga Polskich Rodzin*) stress losses in terms of values and identity, loss of national sovereignty and refer to the historical rejection. In the new *Sejm*, elected in September 2001, both eurosceptic parties are represented. They are active in the parliamentary forum¹¹ and effective in terms of influencing the public opinion.

However, according to the Applicant Countries Eurobarometer 2001¹², Poland remains one of the applicant countries

¹⁰ L. Kolarska-Bobińska (ed.) (2001), ‘Before the great change. Polish public opinion and EU enlargement’, Institute of Public Affairs, Warsaw, 2001, pp. 3-10.

¹¹ Debate during the session of the JPC Joint Parliamentary Committee Poland–EU, Warsaw, 4 December 2001.

¹² European Commission, Applicant Countries Eurobarometer 2001, http://europa.eu.int/comm/public_opinion

where public opinion support for EU integration is the highest (51 per cent of Poles believe in Autumn 2001 that EU membership for their country would be “a good thing”), and 67 per cent of the respondents would vote in a referendum on EU membership in favour of accession. Besides, the majority of Poles (55 per cent) tend to trust the European Union. All those numbers are very surprising taking into account that trust in state institutions is extremely low.

1.3.2. Polish society and the integration process

The involvement of the Polish society, measured by interest in politics, participation in the elections, and willingness to take part in lawful demonstrations, is low. This weak political involvement can be explained with regard to the mistrust of citizens towards institutions as well as mistrust of politicians. In comparison, among candidates the highest involvement has been noticed in the Baltic countries, whereas the lowest is in Poland and Slovenia.¹³ It is not possible, however, to say that political involvement in the West is much higher than in post-communist countries. Involvement in politics is closely related to trust in institutions and their representatives, which is dramatically low in Poland (see below).

A negative public assessment of the competence and morality of political elites is one of the most important features of the Polish political system.¹⁴ This disappointment with politicians and democratically elected representatives of Polish society leads to public discontent (in form of strikes, road blockages *etc.*) and rejection of civil participation as such. The negation of the local or national governing power has led to rejection of policies that the political

elites carry out, leading also to the negation of EU integration policy.

2) STAGES OF EUROPEANISATION OF THE PUBLIC ADMINISTRATION IN POLAND

2.1. First steps and preconditions

Poland has inherited, thanks to its past, a mixed model of public administration. After regaining its independence in 1918, after almost 150 years of inexistence of the state (the partitions), the country adopted the Austrian model of administrative procedures and administrative courts, the Prussian model of central and local governments and the Russian model of financial institutions.¹⁵ After the Second World War Poland was administered by the central planning method during the Communist period. At that time, the administration was used for the implementation of Communist Party policy. Both the administration and the rule of law increasingly came to be seen by the public as instruments of political control.¹⁶ This situation is the root of a very negative perception of Polish administration within society.

Since 1989 the administration in Poland has changed in many ways. Reforms aimed at decentralisation and deconcentration started in 1990 and took a course in two stages:

* First stage starting in 1990: the creation of a new structure of public administration, encompassing regional authorities of governmental administration as well as

¹³ See findings of the World Values Survey: R. Inglehart (1999), ‘Trust, Well-Being and Democracy’, in: M. Warren (ed.), *Democracy and Trust*, New York and Cambridge: Cambridge University Press, 1999, pp. 88-120.

¹⁴ J. Hausner, M. Marody (ed.) (2000), ‘The Quality of Governance: Poland Closer to the European Union?’, *EU Monitoring IV*, Kraków, 2000, p. 48.

¹⁵ The Network of Institutes and Schools of Public Administration in CEE (NISPAce), Report on Poland; <http://www.nispa.sk/reports/Poland/Part1.htm>

¹⁶ European Commission (1997), ‘Agenda 2000 – Commission’s opinion on Poland’s application for Membership of the EU’, 15 July 1997, p. 105.

authorities of local self-government. One of the most important steps was the introduction of the first level of local authority, *i.e.* the commune (*gmina*) in 1990 as well as a certain decentralisation of competences.

- * Second stage starting in 1999: including the reform of local government, the continuation of the process of decentralisation and deconcentration, the introduction of new regional structures.¹⁷

The separation of political responsibility and competence of officials constituted the major challenge during the first stage of reform, whereas there were incentives to separate the level of executive administration from the structure of certain ministries involved in the formulation of policy and strategy of the state. "An unhealthy mixture of the political sphere in administrative structures and competence of the government centre with executive and management functions is the inheritance of the previous system."¹⁸

In January 1999, the second reform entered into force and constitutes a gradual process which will last for several years. This reform reduced the number of regions (*voivodships*) from 49 to 16 and it aimed to decentralise Polish public authorities and public finances as well as at reattributing competences. Since then, a self-government in Poland exists on three levels: the level of voivodship (*województwo*), county (*powiat*) and commune (*gmina*). The governmental administration exists on two levels: on central and on voivodship level, where it enjoys very limited powers.

¹⁷ J. Zaleski (1999), 'Podział i nakładanie się kompetencji administracji rządowej i trzech szczebli administracji samorządowej po reformie ustrojowej 1999 roku', in: M. Stec (ed.) *Reforma Administracji Publicznej 1999 – dokonania i dylematy*, Instytut Spraw Publicznych, Warsaw, 2000.

¹⁸ J. Pastwa (2000), 'The Role of the Centre of Government. Reforms in Years 1996-2000 in Poland', OECD seminar "Government Coherence", 6-7 October 2000, Budapest, p. 3.

2.2. Administrative reforms and EU-related decision-making capacity

In practical terms, decentralisation does not imply a transfer of competences in the field of European integration: neither voivodship nor other local units have any legal influence on the process of European integration.

Whereas the role of Polish regions in EU-related decision-making is weak, the European Union is considered as a driving force for regionalisation: since 1986 (Single European Act) European regions participate actively in EU economic development, and campaigns against unemployment and social exclusion. The role of the Committee of the Regions (established by the Maastricht Treaty) and regional representations in Brussels consolidate the role of the regions vis-à-vis the EU and national governments. Poland has chosen a model of regionalisation similar to that applied in France and the Netherlands (regions as part of a decentralised state).¹⁹ This model imposes significant limits on the participation of the regions in decision-making. The effectiveness of the system will be measured in particular with regard to the future management of structural funds after Poland joins the EU.

The introduction of the new Civil Service Law in 1999 established in Poland a system of civil service complying with the standards of political neutrality, impartiality and professionalism. At least theoretically, this act marks the end of transformation of the Polish governmental administration, from a strongly political apparatus to an impartial and effective civil servants corpus, acting in the public interest. The new law defines consistent and unitary rules for the civil service in government administration. A peculiarity of the Polish situation is the fact that the Civil service corps does not include employees from local government

¹⁹ M. Zaborowska, 'La réforme administrative et territoriale polonaise dans le contexte européen', *Notre Europe*, September 2001, p. 16.

administration and those from state institutions which do not report to the Prime Minister (e.g. the Chancellery of the Parliament, the President's Chancellery, the Ombudsman's Office, *etc.*).²⁰

The civil service corps is divided into two groups: civil service employees (employed on the basis of the employment contract) and civil servants (employed on the basis of appointment).²¹ The second group is recruited on the basis of an open competition. Information on vacancies was to be made public and candidates selected on the basis of their merits, ensuring transparency and objectivity. A successful candidate should be of Polish nationality, possess full public rights, have the qualifications required by the civil service and have a good reputation. In addition, the candidate should have completed preparatory service, at least two years of work experience in public administration and must know at least one foreign language.²² Work experience is not required in a specific area, but generally in one of the branches of the central administration. The higher the level reached before the competition, the better the chances are to be appointed to a higher grade.

2.3. Europeanisation and its impact on the public administration

The central administration plays a particularly important role in initiating, monitoring and coordinating Poland's policy towards the EU. Since 1989 the circle of involved levels of administration has progressively grown; at the very beginning only high-ranking officials were involved in EU-related decision-making. In particular after the accession negotiations started, the need

to employ medium-level civil servants in line ministries to cope with EU affairs became evident.

Poland did not create a new public administration based on its historical experiences, but has tried to develop new administrative structures and procedures using experiences from traditional EU models. This means in practice that the country benefits from different models of EU member states, since a unique European model of public administration does not exist.²³ However, the process of European integration leads to some standardisation of civil services in EU member states and their convergence to cope with EU standards and procedures.²⁴ In this regard, one has to consider parallel developments of the process of Europeanisation, a process which in principle is not homogenous. Developments of public administrations in the applicant countries are similar, but modalities and character of changes vary. In Poland, reforms of public administration and progress on the way to EU membership can be observed on the basis of gradual reforms, which have taken place during consecutive stages of the EU-Poland rapprochement since 1989.

2.3.1. Pre-phase of the Europe Agreement

Diplomatic relations between Poland and the European Communities were established in 1988 and started with negotiations on the Trade and Cooperation Agreement. The year 1989 was crucial in the mutual relations, since the Mazowiecki government has signed the Trade and Cooperation Agreement, the first agreement between Poland and the European Community, which is a treaty under public international law. That year has been also important in terms of Poland's visibility in Brussels: the Polish

²⁰ Office of Civil Service (2001), Civil Service System; <http://www.usc.gov.pl/en/100/130.html>

²¹ Chancellery of the Prime Minister, Government Information Centre, <http://www.kprm.gov.pl/central/inform.htm>

²² Chancellery of the Prime Minister, Information on civil service in Poland, <http://www.kprm.gov.pl/central/inform.htm>

²³ Cf. W. Wessels, A. Maurer, and J. Mittag, (eds.), *Fifteen into One? The European Union and Its Member States*. Manchester: Manchester University Press (forthcoming 2002).

²⁴ P. Ahonen, R. Polet, M. Kelly, T. Larsson and others, *Public administration in the new millennium: some European scenarios*, Maastricht, 17 February 2000, p. 9.

Mission to the European Community was set up, led by Jan Kuśakowski, who became Polish Chief Negotiator nine years later.

At that time, the European Commission launched the programme PHARE, aimed at restructuring the Polish and Hungarian economies. This programme constituted a milestone in terms of administrative adjustments over the last twelve years. Association negotiations were a crucial point of the first phase of mutual political approximation. In terms of administrative preparation to benefit from Community aid, the post of Government Plenipotentiary for European Integration and Foreign Assistance was created in 1991.²⁵ His responsibilities included in particular initiation, organisation and coordination of measures related to the process of integration with the European Community and coordination of foreign assistance.²⁶

At the very beginning, Polish civil servants and in particular those who had to deal with European affairs were very badly informed about European integration, its challenges and had a poor knowledge of the institutions. Until 1994 line ministries were not involved in EU matters. Only in February 1994 was the Government Plenipotentiary requested by the Council of Ministers to operationalise the organisational units and posts for European integration in the ministries and central authorities.²⁷ During this phase of EU-Poland cooperation, only high-ranking officials were trained in EU affairs.²⁸

The pre-phase of the Europe-Agreement was a time of crystallisation of pro-integrationist elites, involving experts

in EU policies – very often academics of the past to take over the role of decision-makers in EU-related matters. As an example, those who appeared on the political scene when negotiating the Association Agreement are still visible on the political scene today and continue to be among the key players in EU-related decision-making over the past few years, *i.e.* Jacek Saryusz-Wolski, Jan Kuśakowski (both from academia) and Andrzej Olechowski.

2.3.2. The Europe Agreement

The Europe Agreement was signed in Brussels on the 16th of December 1991. It constitutes a basis for mutual relationship until to date. The Europe Agreement, signed on the Polish side by Leszek Balcerowicz, the plenipotentiary of the Prime Minister, is an act that “opened a new chapter in relations between the EC and Poland”.²⁹ This act established an associate status of Poland to the EU. The signing of the Europe Agreement imposed on Poland the need for a speedy establishment of institutions able to carry out Community policies. At that stage, basic structures of the coordination system with regard to adaptation and integration processes were set up.³⁰ In order to prepare a long-term programme of approximation of laws, the government plenipotentiary created the Legal Expert Task Force. This unit included representatives of the Legislative Council, legal services of the parliament and the office of the Council of Ministers,³¹ and the best specialists in the field of European law.³²

The Europe Agreement and the documents which follow it, namely the White Paper on the Internal Market³³ (1995), the

²⁵ Resolution of the Council of Ministers, No 11/91 of 26 January 1991.

²⁶ C. Blaszczyk (1998), ‘European Policy-Making in Poland – Institutional and Political Framework’, in: B. Lippert and P. Becker (eds.) (1998), *Towards EU-Membership. Transformation and Integration in Poland and the Czech Republic*, Bonn, 1998, Europa Union Verlag.

²⁷ PHARE (1999), ‘Evaluation of Phare Programmes in Support of EU Integration and Law Approximation’. Final report – Poland, May 1999, p. 5.

²⁸ C. Blaszczyk op. cit.

²⁹ D. Lasok (1995), ‘Zarys prawa Unii Europejskiej’, Lublin, 1995, p. 203.

³⁰ C. Blaszczyk (1998), op. cit., p. 132.

³¹ Since 1996 Chancellery of the Prime Minister.

³² PHARE (1999), ‘Evaluation of Phare programmes in Support of EU Integration and Law Approximation. Final report – Poland’, May 1999, p. 3.

³³ European Commission (1995), ‘White Paper on the Preparation of the Associated Countries of Central and Eastern Europe for Integration into the In-

Commission Questionnaire (1996) and – in response – the Government’s National Strategy for Integration (1997), are fundamental elements of Poland’s preparation for membership. The White Paper was the first official document to provide clear references to sectoral administrative requirements, making more limited statements on ‘horizontal’ capacities required to function in the EU.³⁴ Following this document, the applicant countries had to adapt their administrative machinery and their societies to the conditions necessary for the legal harmonisation process.

At the stage of association Poland prepared its institutions to establish direct links with the EC institutions. According to Blaszczyk, “association is a state of mutual relations governed by the appropriate institutional structure which is additionally linked with the European institutions. In this context, the institutional adaptations are supported by the general transformation of the political and economic spheres. A very important role belongs here to the public administration system, whose tasks result from its role to initiate, monitor and coordinate the integration process”.³⁵ Effectively, strengthening of the role of civil servants in the European integration process meant increasing of the technical role of state employees, also at medium rank and a certain limitation of political dimension of cooperation with the EU institutions. Cooperation between Polish and EU civil servants at deputy-director and senior executive officer level has become instrumental for the implementation of the Europe Agreement, whereas only matters of political importance are dealt with on a high ministerial level.

2.3.3. The pre-accession strategy

Stability of institutions guaranteeing democracy and the rule of law is one of the most important criteria for accession established at the Copenhagen European Council of June 1993. Poland had to take them into consideration when it applied for EU membership a few months later. Poland submitted its official application for membership in December 1994. However, all three members of the Visegrad Group took the first step in this direction two years later. The so-called Memorandum of the Visegrad Group³⁶ was presented in Luxembourg in 1996 to the Foreign Affairs Ministers of the European Community, and contained postulates on the beginning of accession negotiations, a common agenda and integration criteria. However, the document did not contain any specific mention concerning the need to redress the administrative capacity in the applicant countries.

The ‘pre-accession strategy’ for enlargement was launched by the Commission following the decisions of the European Council in Copenhagen and focused on bilateral arrangements between the EU and applicant countries.³⁷ The strategy was composed of four main key instruments: the Europe Agreement (liberalisation of trade), the PHARE Programme, the Commission’s White Paper on the Internal Market (1995), as well as the so-called “structured dialogue”. The European Council in Essen in December 1994 introduced this notion to describe an operational framework for discussion.³⁸ The aim of the Dialogue was to provide a multilateral framework of ministerial meetings. The “structured dialogues” foresaw in addition to the meetings of the individual Association Councils agreed upon in the framework of the Europe Agreements, “the following meetings with

ternal Market of the Union’, COM(95)164, Brussels, 1995.

³⁴ A. J. G. Verheijen (2000), ‘Administrative Capacity Development. A Race Against Time?’, *Working Documents of the Scientific Council for Government Policy*, W 107, 2000, p. 16.

³⁵ C. Blaszczyk op. cit., pp. 139-140.

³⁶ Memorandum of the Visegrad Group, 1996 – www.visegrad.org (15/10/2001)

³⁷ J. Hugues, G. Sasse and C. Gordon (2001), ‘The Regional Deficit in Eastward Enlargement of the European Union: Top Down Policies and Bottom Up Reactions’, *LSE Working Paper* 29/01, p. 8.

³⁸ European Council (1994), Presidency Conclusions, Essen, December 1994, Annex 4.

the associated partners on matters of common interests:

- * Heads of State and Government: Annual meeting on the margins of a European Council meeting;
- * Foreign Ministers: Twice yearly meetings for discussion of the full scope of relations with the associated countries, in particular the status and progress of the integration process.
- * Ministers responsible for internal market development, in particular Finance, Economics, and Agricultural Ministers: Annual meeting.
- * Transport, telecommunications, research, and environment Ministers: Annual meeting.
- * Justice and/or Home Affairs: Twice yearly meetings.
- * Cultural Affairs, Education: Annual meeting".³⁹

The "structured dialogue"⁴⁰ served as a vital forum for close exchanges of views and an examination of progresses that Poland made with regard to the harmonisation of its legislation and concentrated on concrete issues (e.g. internal market requirements) but neglected the role of administrative reform that is needed in Poland to deal with EU policies. However, the Commission rapidly realised the linkage between sectoral adjustments and the role of public administration: the adoption and implementation of the *acquis* requires a significant reinforcement of administrative capacity. Consequently, an "administrative" dimension was given to the strategy in Madrid. The European Council in December 1995 concluded that the harmonious integration of the CEECs into the EU would require the adjustment of their administrative

structures.⁴¹ In 1996, a government reform reduced the number of ministries to 16 (including the Chancellery of the PM). On EU matters, the Inter Ministerial Committee for European Integration (KIE) was created under the authority of the Prime Minister, as the supreme authority of state administration. It took over the responsibilities and tasks of the Government Plenipotentiary for European Integration and Foreign Assistance and further EU-related decision-making competences. At the same time, European integration departments or units were created in each ministry.

The Commission evaluated for the first time the Polish administrative and judicial capacity in its AGENDA 2000 of July 1997. The document acknowledged efforts made to reform Polish central administration and established the fact that political independence of the civil service is generally respected.⁴² However, the Commission noticed significant weaknesses, inter alia with regard to widespread tax evasion and inadequate enforcement mechanisms in areas such as health, safety and environment. As to the civil service, it was considered to be understaffed at the policy level but overstaffed at the level of routine administration.⁴³ The Commission drew attention to the problem of recruiting young high quality staff with language skills for the key work on EU integration and, finally, to the question of widespread corruption. At the same time, whereas the general assessment in AGENDA 2000 with regard to political criteria is not very critical, the Commission stressed the need to create appropriate structures for vertical sectoral policies in order to ensure an effective enforcement of EC law and policies.

In the Partnership for Membership from 1997, the Commission explicitly asked for improving qualifications of civil servants

³⁹ Ibid.

⁴⁰ On the structured dialogue refer to: P. Becker and B. Lippert (1997), 'Der Strukturierte Dialog der Europäischen Union mit den Staaten Mittel- und Osteuropas', *IEP-Berichte 1*, Bonn, Institut für Europäische Politik, 1997.

⁴¹ European Council (1995), Presidency Conclusions, Madrid, December 1995.

⁴² European Commission (1997), 'Agenda 2000 – Commission's Opinion on Poland's Application for Membership of the EU', 15 July 1997, p. 105.

⁴³ Ibid.

in the field of EU integration and effectiveness of public management.⁴⁴

2.3.4. Accession negotiations

The European Council in Luxembourg, which took place on 13 December 1997, decided to begin accession negotiations with six candidates. Negotiation talks consist of 31 chapters, of which Poland managed to temporarily close 27 by September 2002. Thus Poland made successful efforts in catching up with a range of other candidates. The new Polish government under Miller intends to speed up negotiations and to close the remaining chapters not later than other candidates (by the end of 2002).⁴⁵

When accession negotiations started, the European Commission gave a critical assessment of Polish administrative structures. The Regular Report 1998 pointed out that “the absence of a coherent and effective national policy for the recruitment, remuneration, training and development of the Civil Service remains a significant constraint on Poland’s preparations for membership”.⁴⁶ Secondly, the Commission accentuated “ongoing problems in maintaining institutional continuity at management level due to changes of key administrative personnel with successive changes in the government”⁴⁷ and a lack of a coherent integrated pre-accession strategy for the establishment of a professional public administration. The Regular Report 1998 was particularly severe in terms of progress in administrative capacity building. It emphasised how little progress had been made in several key areas for the implementation of the *acquis* (in particular the Single Market). Implementation of the *acquis*, which implied setting up of governmental or non-

governmental bodies or agencies such as the Polish Centre for Testing and Certification, the Office of Public procurement or the Commission of Securities and Exchanges has not been followed by an operationalisation of those entities.⁴⁸ Weak familiarisation with EU practice, understaffing, lack of transparency, inadequate resources and skills of regulatory bodies are quoted as main weaknesses which make it impossible to enforce EU standards effectively. The same line of criticism was maintained in the 1999 Regular Report.

The key document of EU-Poland relations, the 1999 Accession Partnership, set out in a single framework the priority areas for further work to be done on Poland’s way towards EU membership. The reinforcement of administrative and judicial capacities are the source of the most pressing short-term and medium term priorities.⁴⁹ Short-term priorities refer basically to the management and control of EU funds and include the introduction of a complete legislative framework for internal and external financial control, and the setting up of a central organisation within the government for harmonising internal audit and control functions. The adoption of a fast-track procedure for EU legislation and the strengthening of the administrative capacity for internal financial control at regional level were defined as medium-term priorities. In fact, all these aspects were taken up by the Polish government and concrete results, such as the speeding up of legislative procedures to adopt EU law, were clearly visible one year later.

The generally positive Regular Report 2000 paid less attention to the specific question of adaptation of public administration. It concentrated on the introduction of a new regional administrative structure in Poland and the difficulties of its enforcement, basically related to financial aspects of its successful implementation.⁵⁰ The Re-

⁴⁴ European Commission (1997), ‘Partnership for Membership’, 1997.

⁴⁵ Cf. speech of the Prime Minister Miller in the Polish Parliament, 20 October 2001.

⁴⁶ European Commission (1998), ‘Regular Report from the Commission on Poland’s Progress towards Accession’, November 1998, p. 41.

⁴⁷ Ibid.

⁴⁸ Ibid., p. 43.

⁴⁹ Poland: 1999 Accession partnership, p.1. Legal provision: OJ L 85, 20.03.1998, p. 1.

⁵⁰ European Commission, Regular report 2000, Poland, November 2000.

port on the realisation of the National Programme for Preparation of Membership (NPPM) in 2000⁵¹ stresses steps which were taken on the way to implement EU provisions, mainly with regard to administrative capacities to manage pre-accession funds and prospectively the structural funds. The Council of Ministers adopted the national strategy of regional development, which defines regional competences.⁵²

The stage encompassing accession negotiations shows noticeable developments and the most rapid and effective changes in Polish public administration with regard to EU-related decision-making. The progress is basically related to the introduction of the necessary legislative framework, *e.g.* for administrative reform and civil service law, but is also related to the enforcement measures. Some EU officials tend to stress an increased efficiency of Polish administration, good preparedness of key civil servants to deal with EU affairs as well as their know-how regarding EU policies and law. The main problem in this respect remains a gap between the “elite” of civil servants and the rest. Not surprisingly, the best-educated people within the line ministries, who are able to work in foreign languages, are dealing with EU integration. Knowledge of foreign languages is the basic prerequisite to attend professional training in EU affairs.⁵³

Regular Reports, the Accession partnership as well as the NPPM contribute significantly to speed up necessary reforms that Poland has to carry out.⁵⁴ The NPPM attaches great importance to the proper sequence of adjustment measures and sets Poland’s priorities to increase effectiveness of the public administration: creation of an

effective internal financial control system within the public administration, preparation of the institutional framework aimed at using of the EU financial support and resources from the structural funds after accession as well as creation of a institutional framework for conducting the regional policy, including implementation of regional pilot projects.⁵⁵

On the other hand, in the Accession Partnership from 1999 the Commission fully recognised a need to create appropriate structures and modernise existing ones.⁵⁶ That is why during the period 2000-2006, 30 per cent of PHARE resources are focussed on institution building. ‘Institution building’ includes all measures to help the candidate countries to develop the structures, strategies, human resources and management skills needed to strengthen their economic, social, regulatory and administrative capacity.⁵⁷ The programme’s most crucial areas are public finance, the cadastre, tax administration, transport, insurance supervision, energy market regulation, promotion of NGOs, SME and export development, regional policy and statistics.⁵⁸ Institution building support is ensured in particular through twinning arrangements between ministries, institutions, professional organisations, agencies, European bodies, and regional bodies. With already more than 80 pre-accession advisers being sent to Poland, twinning arrangements for institution building have reached a considerable stage of development.⁵⁹ In 2001 the Commission stressed that a total of 372 twinning projects, primarily in the fields of agriculture, environment, public finance, preparation for the management of the structural funds and justice and home affairs have been funded by the Community

⁵¹ The report on the realisation of the NPPM, adopted by the Council of Ministers on 20.04.2001.

⁵² National Strategy of Regional Development in 2001-2006, Warsaw, 2000.

⁵³ Interview with a medium-ranking Polish civil servant, November 2001.

⁵⁴ Narodowy Program Przygotowania do Członkostwa (NPPC) – National Programme of Preparation for Membership in the EU (NPPM), Warsaw, 1998 (adopted by the Council of Ministers on 23.06.98).

⁵⁵ Cf. NPPC – NPPM, *op. cit.*, p. 4.

⁵⁶ Poland 1999 Accession partnership, p. 6.

⁵⁷ *Ibid.*, p. 11.

⁵⁸ European Commission, Regular Report 2001, p. 10.

⁵⁹ Interview with a senior official of the European Commission, TAIEX office, October 2001.

between 1998-2000.⁶⁰ The last example means in practice the improvement of customs service and its administrative capacity, including protection of borders. Implementing measures started in 1998 with the setting up of the multi-disciplinary committee responsible for border management. A new body, the Border Guard has been assigned with managing of Poland's external borders. Consequently, the number of staff has been increased at both national and local level (a national measure) and due to the twinning programme, a proper training has been ensured. However, the process of implementation of a new policy is much more difficult. The European Parliament observed in September 2000 that the Border Guard on the eastern frontiers is under-performing, owing to a lack of adequate equipment and infrastructure.⁶¹ They are not limited to actors working in public central administration, but also benefit regional and local authorities. Next to twinning arrangements, PHARE offers training for civil servants in the form of workshops, seminars and study visits.

Speeding up of the legislative process does not imply in practice a successful implementation of the EU *acquis*. The 2001 Commission's Regular Report stresses that the disparity between progress in the adoption of legislation and the reinforcement of administrative capacity is reflected in the extent to which the short-term priorities of the accession partnership have been addressed.⁶² In particular certification, fisheries and regional policy, social policy, customs and justice and home affairs are the main areas in which continued efforts are needed to set up or strengthen administrative capacities.⁶³

⁶⁰ European Commission, Regular Report, 2001, p. 13.

⁶¹ European Parliament, Report on Poland's application for membership of the European Union and the state of negotiations, A5-0246/2000, Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy, Rapporteur: Jas Gawronski, 20 September 2000, p. 12.

⁶² European Commission, Conclusions of the Regular Report 2001: Poland, 13 November 2001.

⁶³ *Ibid.*

At the stage of accession negotiations the Buzek government started to pay attention to the social dimension of the integration process. This fact has without doubt important consequences for the implementation of the *acquis*. Democratic dialogue on ongoing political processes between government, state administration, professional groups and civil society did not exist in Poland during communist rule. As to the public opinion concerning the accession process, the positive attitude towards EU membership strongly depends on the integration of civil society into the official information policy. The cooperation with social partners is realised through activities of the National Council of European Integration and branch consultation councils. The National Council of European Integration was set up in December 1999 by the Prime Minister⁶⁴ to support social dialogue in the field of European integration. A Regulation of the President of the Council of Ministers from February 2002 sets a new framework for the activities of the National Council of European Integration, stressing the role of territorial consultations in particular in rural areas.⁶⁵

In April 2002 the Polish government issued a report on Poland's administrative adjustments to cope with the requirements of EU membership.⁶⁶ This document clearly recognises problems and shortcomings the Polish administration needs to overcome, in particular in such areas as regional policy, agriculture, environmental protection, fisheries, transport and justice and home affairs. The report identifies improvement of human resources, establishment of appro-

⁶⁴ Kancelaria Prezesa Rady Ministrów, Departament Analiz Programowych (2001), 'Współpraca administracji rządowej z organizacjami pozarządowymi w 2001 r.', Raport, Warszawa, czerwiec 2001, www.kprm.gov.pl

⁶⁵ Regulation No. 20 of the President of the Council of Ministers of 11 February 2002 on the National Council of European Integration.

⁶⁶ Report on the institutional adjustments needed in Poland to cope with the requirements of EU membership (Raport w sprawie dostosowań instytucjonalnych w Polsce do wymogów członkostwa w Unii Europejskiej), adopted by the Committee for European Integration on 10.04.2002.

priate organisational structures and procedures as well as adjustment of present institutions in terms of competences as major government's priorities for 2002 and 2003. A detailed sectoral analysis of the state of preparation of Polish administrative structures at the central and local level as well as a well-defined plan of action will certainly be an important instrument for necessary reforms to be carried out before Poland joins the European Union.

2.3.5. Accession and beyond

At the Gothenburg Summit in June 2001, EU leaders set the objective that the first wave of candidates should enter before the next elections to the European Parliament in 2004.⁶⁷ The Summit in Laeken under the Belgian Presidency confirmed that objective and a possibility of accession of a group up to ten candidates including Poland. At the same time, the European Council stressed that "the candidate countries must continue their efforts energetically, in particular to bring their administrative and judicial capabilities up to the required level".⁶⁸

The heads of State and Governments present in Laeken asked the Commission to submit a report on the implementation of the plan of action for strengthening institutions to the Seville European Council.⁶⁹ In June 2002 the Commission drafted a report on action plans for administrative capacity-building in the candidate countries.⁷⁰ The document will certainly confirm the applicants' need of unconditional adoption of legal principles of administrative law common to the member states, and defined by the European Court of Justice.⁷¹ Reliability and predictability (legal certainty), open-

ness and transparency, accountability as well as efficiency and effectiveness are particularly important principles in the jurisprudence of the ECJ. Implementation of the rules mentioned before is a particularly difficult task related to the civil service standards.

In terms of public administration, EU accession in 2004 would mean a mobilisation of civil service to respond to the challenges of the EU decision-making. A considerable number of Polish civil servants will be delegated to Brussels, to work within EU institutions. Open questions are: their ability to adapt to a specific political culture, different from the Polish one, the quality of work, the knowledge of foreign languages *etc.* Besides, will a "brain-drain" to Brussels damage public administration in Poland or perhaps improve it because of a more extensive exchange between the European Commission and Polish institutions?

At least theoretically, accession to the EU may take place only if all Copenhagen criteria are fulfilled. However, one can expect that the process of adaptation of CEE administrations to EU standards will continue even after accession. It would be desirable that the EU technical assistance programmes aimed at increasing Polish administrative capacity would not stop at the moment of accession, but would continue beyond the current PHARE framework (2000-2006).

3. GOVERNMENT STRUCTURES FOR EU-RELATED DECISION-MAKING

Particularly since the entry into force of the Europe Agreement, a continuity of changes is perceived in the EU-related decision-making. Progress is observed in terms of increased efficiency, better coordination between institutions involved in EU-related decision-making as well as a progressively clearer division of key competences.

⁶⁷ European Council (2001), Presidency Conclusions, Gothenburg, June 2001.

⁶⁸ European Council (2001), Presidency Conclusions, Laeken, December 2001.

⁶⁹ *Ibid.*

⁷⁰ Enlargement Commissioner Verheugen quoted in: *Uniting Europe* No. 185 – 6/05/2002, p. 3.

⁷¹ SIGMA Papers (1999) No. 27, European Principles for Public Administration, CCNM/SIGMA/PUMA (99)44/REV1, p. 8.

3.1. The setting up of political and ministerial structures

The entering into force of the Europe Agreement in 1994 was the milestone in the process of adjustment of Polish administration to EU oriented policy. It implied the creation of joint EU-Poland institutions (Association Committee, Association Council, Parliamentary Committee) and imposed mutual obligations on the two partners. However, the basic structures of the coordination system with regard to the rapprochement with the EU were set up since 1991.⁷² The function of the Government Plenipotentiary for European Integration and Foreign Assistance was established during the negotiations on the Europe Agreement in January 1991. Its responsibilities included initiating, organising and coordinating measures related to the process of adaptation and integration with the EU.⁷³ The Committee for European Integration took over the responsibilities of the Government Plenipotentiary in 1996 and has been given increasingly important executive competences in the system of central administration. Until October 2001, the committee – headed by the Prime Minister himself – executed its tasks through the Office of the Committee for European Integration (see: Graph 1).

After the setting up the Committee for European Integration, the number of bodies involved in European policy increased, and presented several problems of internal coordination. The committee in a certain sense diminished the role of the Minister of Foreign Affairs, which risked fragmenting Polish foreign policy. Some experts argue that a complex administrative structure has never led to an overlapping of competences between the Committee for European Integration and the Ministry of Foreign Affairs,

⁷² C. Blaszczyk (1996), 'European Policy-Making in Poland. Institutional and Political Framework', in: B. Lippert, P. Becker (eds.) (1998), *Towards EU-Membership. Transformation and Integration in Poland and the Czech Republic*, Europa Union Verlag, 1998, p. 132.

⁷³ Ibid.

since the first was responsible for EU policy at the internal, national level, whereas the second ensured representation of Poland's foreign policy abroad.⁷⁴ However, this opinion simplifies the overall situation, in particular since the beginning of accession negotiations, when negotiation competences were divided between three bodies (MFA, Chancellery of Prime Minister, Office of the Committee for European Integration). It is important to stress that the number of bodies involved does not reflect the number of actors involved. A high degree of centralisation, and importance of few key-actors remain key characteristics of the Polish administration taking part in EU-related decision-making. For example in the years 1997-2001, there were no more than four key-actors and principal references: Jacek Saryusz-Wolski, Jaroslaw Pietras, Pawel Samecki and Jan Kulakowski (Chief Negotiator), all of them political actors on the highest level.

3.2. The role of the Minister of Foreign Affairs⁷⁵

The elections of September 2001 introduced substantial changes to the government structures involved in EU-related decision-making. The winning party, the Democratic Left Alliance (*Sojusz Lewicy Demokratycznej* – SLD) formed a coalition government with the Peasant Party (*Polskie Stronnictwo Ludowe* – PSL), led by Leszek Miller as Prime Minister. In the coalition's common declaration, this new government set the accession to the EU as a strategic goal for Poland and stressed its intention to accomplish this objective as soon as possible. One of the first declarations of the new Prime Minister concerned the incorporation of a significant part of the Office of the Committee for European Integration (UKIE) into the Ministry of Foreign Affairs. Until that point, there were three centres of Euro-

⁷⁴ Interview with a Polish high-ranking civil servant, October 2001.

⁷⁵ See: Graph 3.

pean decision-making: the Office of the Committee for European Integration, the Ministry of Foreign Affairs and the Office of the Chief Negotiator in the Chancellery of the Prime Minister. The new shift of competences finally encompasses only two aspects: modification of the statute of the UKIE⁷⁶ and reduction of the number of departments and increasing of competences of the Minister of Foreign Affairs. As a result, the UKIE is practically subordinated to the MFA, and linked to it by a “personal union”. The Secretary of the Committee for European Integration is at the same time Secretary of State in the MFA (Danuta Hübner). Originally, reforms were supposed to go further, as Prime Minister Miller intended to create a separate Ministry of European Affairs. Even if the introduced changes are less broad than it was announced, the reform simplified the existing model and helped to avoid overlapping competences in the field of European integration.

Under the new structures, the Prime Minister continues to be the Chairman of the Committee for European Integration. This will give him the position of the most powerful decision-maker in the field of EU integration. Thereby, the decision-making competences with regard to Europe will be concentrated close to the Prime Minister. One of the most important personal changes was a change of the Chief Negotiator. In charge since 1998 when the accession negotiations started, Jan Kułakowski was replaced by Jan Truszczyński, Head of the presidential Office for European Integration and until February 2001 Polish Ambassador to the EU. At the same time, two key actors in the negotiation process linked with the former government will keep their positions: Jerzy Plewa as a Deputy Minister of

Agriculture and Jarosław Pietras – Secretary of the Negotiating Team.

In its first session on the 20th of October 2001, the Council of Ministers modified the Resolution on the Plenipotentiary of the Government for Accession Negotiations. So far the plenipotentiary of the government used to be the State Secretary in the Chancellery of the Prime Minister. At the same time, his competences and responsibilities overlapped with those of the Foreign Minister. The modified law remedies this incompatibility and places the plenipotentiary within the structure of the Ministry of Foreign Affairs. This Resolution⁷⁷ regulates competences and responsibilities in the process of accession negotiations.

The change of government in fall 2001 did not provoke substantial policy changes and did not have a major impact on Poland’s aspirations vis-à-vis the EU. The left wing has the ambition to bring Poland into the EU during its mandate. At the same time, only a few main actors dealing with EU-related decision-making kept their posts after the new government took office, and the changing of the key-personnel obviously impacted on the continuity of the process. Only the above mentioned Jarosław Pietras, Under-Secretary of State in the UKIE, continues in the same role. Paweł Samecki, who kept his position as Under-Secretary of State in the UKIE after the change of government in October 2001, resigned in January 2002.

On the 15th of November 2001, the Council of Ministers adopted a document entitled “European Strategy of the Government”⁷⁸ The document defines the government’s objectives on the way to EU membership, such as speeding up of the legislative process, closing of negotiations in 2002, participation of the civil society in the

⁷⁶ Cf. Dziennik Ustaw (Official Journal) No 133, al. 1498. In consequence of structural changes the number of departments has been reduced. Since November 2001 there are the following departments in the UKIE: EU law, Integration policy, Economic and Social Analysis, Foreign Aid, Social Communication, European Information, Translation and Documentation, European Affairs, European training, Support of the Committee for European Integration.

⁷⁷ Communiqué of the Council of Ministers, Chancellery of the Prime Minister, Government Information Centre (CIR), Warsaw, 20 October 2001.

⁷⁸ Communiqué of the Council of Ministers, Warsaw 15 November 2001, <http://www.kprm.gov.pl/archiwum/komunikaty2001/rm.htm>

accession process and participation in the debate on the future of Europe.

Miller's government adopted a project of law on changes in central administration,⁷⁹ which consists basically of reducing the number of bodies or consolidating some of them. Firstly, the position of political advisers in line ministries will be abolished and reduced in the Chancellery of the Prime Minister. The aim is to reduce the number of politicians in the central administration. The changes in the administrative structure are supposed to clarify competences, better coordinate the government's activities, improve transparency of decisions and promote an open social dialogue. Another new project stipulates an amendment of the law on the Council of Ministers from 1996⁸⁰ and its objective is to separate decision-making functions of the government from preparation of analysis, prognosis and programmes. This means in practice the reduction of the number of bodies subordinated to the Prime Minister. The Prime Minister will directly control only the government Centre (Chancellery of the Prime Minister, Government Centre of Strategic Studies, Government Centre of Legislation), the Office of Competition and Consumer Protection, the Central Statistical Office and the Special Services. Such reduction of direct control does not mean weakening of the 'power position' of the Prime Minister and implies a concentration of political key competences to the detriment of management aspects of governance. More than nineteen central administration bodies have been or will shortly be abolished.⁸¹ Addi-

tionally, such agencies as Construction and Exploitation of Highways, Technology, Privatisation and Reserves of Sanitary Articles will be abolished.

To conclude, the reforms from October/November 2001 contributed to a stronger politicisation of the EU-related management and to a concentration of power for the President, the Prime Minister and the Minister of Foreign Affairs (all from the Democratic Left Alliance). This concentration of power on one side of the political scene is accompanied by a "political union"⁸² of governmental institutions dealing with European integration (the MFA and the UKIE). According to the Minister for European Integration Hübner, a "technical union" of these institutions will take place in the future when a European secretariat will be set up.⁸³ In consequence, the role of the Committee for European Integration (KIE) as an open forum for EU-related decision-making has been significantly reduced. The regular meetings of the KIE became less frequent and a statutory participation of the representatives of opposition in its works is no more ensured. Only three independent experts were invited to become members of the KIE.⁸⁴ At the same time, during its first meeting after the change of the government, the Committee for European Integration decided on the personal strengthening of the institutions involved in the implementation of the *acquis*.⁸⁵ Another important feature of changes that occurred in Poland in Fall 2001 is the reduction of the number of ineffective and old-fashioned agencies, partly remains from the communist system, as well as a modernisation of

⁷⁹ First reading of the draft law on changes in the organisation and functioning of central organs of public administration, including subordinated units, took place in the Polish Sejm on the 1st of December 2001, www.sejm.gov.pl

⁸⁰ Project of amendment of the Law on organisation and functioning of the Council of Ministers and on competences of line ministers, from 8/08/1996, and of the law on departments of government administration from 4/09/1997.

⁸¹ E.g. General Director of Public Roads, Committee of Cinematography, National Office for Control of Insurance, President of the Office of the Sport Committee, President of the National Employment Office, Office for Control of Pension Funds, General Cus-

toms Inspectorate, National Atomic Energy Agency, etc.

⁸² Term used by Minister Danuta Hübner, quoted in www.euro.pap.com.pl on Wednesday, 16 January 2002.

⁸³ www.euro.pap.com.pl on Wednesday, 16 January 2002.

⁸⁴ Jan Kulakowski, former Chief Negotiator and Jacek Saryusz-Wolski, former Secretary of State for Europe accepted to join the Committee for European Integration "ad persona".

⁸⁵ Cf: Statement of the Committee for European Integration, 17 October 2001.

the structure of employment in the public administration by means of strengthening operational personnel in some institutions and reducing the staff in other ones.⁸⁶

3.3. The overall institutional framework for EU-related decision-making: sketching the picture

EU-related decision-making in Poland encompasses institutional coordination at several levels: internal adjustments, law approximation, accession negotiations, management of pre-accession funds as well as administrative coordination resulting from the Europe Agreement. Several institutions are involved in the EU integration policy. However, their respective roles and importance vary according to the current political situation. Core persons and institutions responsible for EU-related decision-making are the following:

- * The Prime Minister
- * The Secretary of State for European Integration
- * The Committee for European Integration, supported by the Office of the Committee for European Integration
- * The Minister of Foreign Affairs
- * The Negotiation Team, with the Government Plenipotentiary for Poland's Negotiations to the European Union, usually known as Chief Negotiator
- * The Inter-Ministerial Team for the Preparation of Accession Negotiation with the European Union ("Inter-Ministerial Team").
- * The Parliament: lower chamber the Sejm and upper chamber the Senate

Reforms introduced by the Miller government in Autumn 2001 tend to reduce the importance of the Office of the Committee for European Integration (UKIE).

Since October 2001, the structure coordinating Poland's European policy, including the UKIE, is called "European Secretariat". However, this name has never been officially adopted and has not been mentioned in any legal act issued after this date. Danuta Hübner, Minister of European Affairs, is the head of the "European Secretariat". She is responsible for the whole integration policy as Deputy Minister of Foreign Affairs, Head of the UKIE and Secretary of the Committee for European Integration. The Chief Negotiator as well as two Undersecretaries of State in the UKIE are also members of the Secretariat.

3.3.1. The Prime Minister

The position of the Prime Minister is defined in Art. 148 of the Constitution. He manages the work of the Council of Ministers, represents the Council of Ministers and is the official superior of employees of the government administration. Over the last few years the role of the Prime Minister as a key person in all questions concerning the European integration has been constantly increasing. As the chairman of the Committee for European Integration he influences Poland's policy towards the EU, adopts the guiding decisions relating to the negotiation process and appoints the Negotiation Team for Poland's Accession Negotiations with the European Union. Since 1989 Poland has had ten prime ministers and almost all of them left their mark on direction and speed of the accession process. The Prime Ministers participated in the European Council meetings with the Heads of State and Government of applicant countries.⁸⁷ In fact, the objective of these meetings was to set up as a forum for political consultation on issues of common interest to the EU member states and the candidate countries. The President of the Council of Ministers also participates in the European Conference, which is held at both ministerial and head of state level.

⁸⁶ *Rzeczpospolita*, 'Mniej urzędów, mniej agencji', 28/11/2001.

⁸⁷ For example on 7/12/2000 in Nice, *Agence Europe*, 9/12/2000 or on 14/12/2001 in Laeken, *Agence Europe* 17/12/2001.

The Prime Minister Buzek (1997/2001) set up the National Council for European integration, as a consultative body subordinated to the Prime Minister, consisting of 47 advisors and experts from NGOs, research institutes and interest groups. Its main function was to support the communication policy of the Government with respect to accession and to advise the Prime Minister on sensitive political issues related to EU accession.⁸⁸ After the change of government in Autumn 2001, this consultative body involving experts independently of their political alignment has unfortunately not been re-established.

3.3.2. The Committee for European Integration

Established in August 1996,⁸⁹ the Committee for European Integration has been the leading body responsible for co-ordination of Polish integration policy. An additional office, called the Office of the Committee for European Integration (UKIE) has been created to support its activities and to execute its tasks.

The main goals of the Committee are: planning and co-ordination of Poland's integration policy and co-ordination of the policies of other organs of the state administration in the area of foreign aid. The UKIE also received competences for implementing and carrying out the Europe Agreement. Since July 1998, as a result of internal dissent at the level of high-ranking officials, the Prime Minister became the head of the Committee (Buzek). The Committee consists of the Minister of Foreign Affairs, the Minister of Internal Affairs and Administration, the Minister of Finances, the Minister of Economy, the Minister of Labour and Social

Policy, the Minister of Agriculture and Rural Development and the Minister of Justice. The main statutory competences of the Committee are the coordination of the process of adjustment and integration of Poland into the EU, adjustments in the sphere of law, giving opinions on the conformity of Polish legislation with EU law, the evaluation of progress with regard to law approximation, coordination of foreign assistance and cooperation with local governments in order to involve them in different institutional structures of the EU. The Committee is also responsible for strategy planning, analysis of activities undertaken and the provision of proper information familiarising the whole society with the EU accession process.⁹⁰

The Committee presents to the Council of Ministers programmes of adjustments and integration strategies, drafts decisions with regard to allocation of foreign assistance, proposes legal acts and reports on implementation of adjustment programmes (NPPM – National Programme for Preparation of Membership). The Committee's proceedings should be related to the National Strategy of Integration with the EU (NIS) as well as to the NPPM developed by the government of Poland, and to the Partnership for Membership. This partnership, worked out by the European Union, is a programme of priority adjustment activities, which Poland should undertake in the pre-accession period.

The Office of the Committee for European Integration is a specifically Polish structure in terms of the number of staff and the level of assigned competences, unlike in other applicant countries.

3.3.3. The institutional set-up for accession negotiations

Accession negotiations with six applicant countries started in March 1998. Their initial stage – called screening – consisted of two phases and of multilateral and bilateral meetings (April 1998 – October 1999). The

⁸⁸ M. Brusis, J.A. Emmanouilidis (2000), 'Negotiating EU Accession: Policy Approaches of Advanced Candidate Countries from Central and Eastern Europe', p. 10.

⁸⁹ Cf. Dziennik Ustaw (Official Journal) from 1996 no 106, al. 494 – Resolution on the Office for European Integration; Dziennik Urzędowy KIE Nr 1 (01) from 27/03/2000. Uchwała KIE from 22.11.1996 on statute of the Committee for European Integration.

⁹⁰ Ibid.

process of screening was in fact a review of Polish legislation in view of its compatibility with EC/EU law. Lists of European law in particular spheres were transmitted to the Head of the Negotiating Team. The Secretary of the Negotiating Team transmitted relevant packages to responsible members of the team and to the head of the working subcommittees. A copy of the list was sent to all responsible ministries. In fact, it meant in practice that civil servants in almost all ministries were involved in the screening process (EU integration departments and units). It happened frequently that those employees did not have sufficient expertise in EU law, which led to delays at that working stage.

Negotiations principally take place at the level of ministers of foreign affairs and their deputies in the framework of the bilateral Intergovernmental Conferences inaugurated in March 1998.⁹¹ In particularly difficult cases bilateral working groups (at the level of heads of departments and units) can be established, under the control of the Deputy Minister of Foreign Affairs. The function of the secretariat of the Conference is carried out by the team of civil servants of the General Secretariat of the Council as well as by Polish civil servants, under the supervision of the General Secretary of the Council or his substitute.

From 1998 until 2001, the political leadership of the negotiations has been given by the Prime Minister supported by the Foreign Minister and the Government Plenipotentiary for Poland's Accession Negotiations to the EU. The institution of the Government Plenipotentiary was created by the decision of the Council of Ministers on the 24th of March 1998, before the negotiation talks started. The term "plenipotentiary" with regard to EU affairs can be confusing, since between 1991 and 1997 there was a Plenipotentiary for European Integration, central figure of the whole EU policy of that time.

The institutions that support the activities of the Plenipotentiary are in particular the Department of Integration and Negotiations with the EU in the Chancellery of the Prime Minister, the Department of European Integration in the MFA (including the Department of the EU, the Department of EU institutions and regional policy, the Department of Economic Analysis and diplomatic bodies); the Office of the Committee for European Integration and in particular the Department of Attendance to the Accession Negotiations, the Department of the Integration Policy and the Department of Law Harmonisation.

Jan Kułakowski was appointed as first Government Plenipotentiary (Chief Negotiator) and stayed in the role until October 2001. Kułakowski, an apolitical social-scientist born in 1930, has lived in Belgium since 1944 and studied at the University in Leuven (PhD in law). Between 1954 and 1989 he worked in Trade Unions, and since 1976 was the General Secretary of the World Labour Confederation. He started his diplomatic career in 1990 appointed as an Ambassador, Head of Poland's Mission to the EU (until 1996).⁹²

His successor, Jan Truszczyński took the office of Chief Negotiator on the 19th of October 2001, following the change of government. Until November 2001, the Government Plenipotentiary was practically in charge of accession negotiations, whereas the Minister of Foreign Affairs was the Head of the Polish delegation to the accession negotiations. The office of the Chief Negotiator was originally established in the Chancellery of the Prime Minister. Since the 20th of October 2001 the Chief Negotiator is the Under-Secretary of State in the MFA and reports directly to the Minister of Foreign Affairs (and is not directly responsible to the Prime Minister).⁹³ His tasks include coordination of the process of accession negotiations and, at the due opportunity, negotiat-

⁹¹ On the course of negotiations refer to: <http://www.negocjacje.gov.pl>, 15/11/2001.

⁹² Cf. www.euro.pap.com.pl

⁹³ Cf. Resolution of the Council of Ministers of 20/10/2001 on the appointment of a Government Plenipotentiary for Accession Negotiations, Par. 2 al.

ing the accession treaty. The Chief Negotiator is supposed to elaborate a timetable for negotiations, to take the initiative for the drafting of legal acts and organisation projects related to the negotiation process, as well as to coordinate preparations for the accession treaty.⁹⁴

3.3.4. The negotiation team for Poland's accession

Until October 2001, the Negotiation Team comprised nineteen members, at the level of secretaries and under-secretaries of state from the major ministries, appointed to this position by the Prime Minister. It consisted of a Chairman (the Government Plenipotentiary), a Secretary of the Negotiations Team (Under-Secretary in the Office of the Committee for European Integration, Jaroslaw Pietras) and 17 members.⁹⁵ Fol-

lowing the changes occurred in Autumn 2001, the number of members of the Negotiating Team has been reduced to 11.⁹⁶ Only three members of the former team kept their positions. However a couple of newcomers have a recognised expertise in EU affairs (e.g. the Undersecretary of State in the Ministry of Economy). A reduction in the number of members of the Negotiating Team just to the representatives of most strategic ministries means in practice an increase of effectiveness of the team's activities, as well as a greater cohesion inside the team. Consequently, it became easier to take decisions in the cabinet.

The Chief Negotiator has several tasks: he represents the Team and is the Chairman of Team meetings. The meetings of the Negotiation Team take place twice a week, with at least 10 members present, including the Chairman or the Vice-Chairman (at present Mr Andrzej Ananicz). The rules of work of this team are defined in a decision adopted by the Team on the 5th of May 1998, according to paragraph 10 of the Prime Ministerial regulation number 19. The Negotiation Team which previously was

⁹⁴ Resolution of the Council of Ministers of 20/10/2001 on the appointment of a Government Plenipotentiary for Accession Negotiations, Par. 1 al. 1 and 2.

⁹⁵ Members of the Negotiating Team (September 2001/November 2001). Source: www.negocjacje.gov.pl 14/12/2001.

- * Secretary of State in the Ministry of Foreign Affairs (Andrzej Ananicz)//Undersecretary of State in the MFA and Chief Negotiator (Jan Truszczyński)
- * Secretary of the Negotiating Team: Under-Secretary in the Office of the Committee for European Integration, Jaroslaw Pietras//J. Pietras representing the MFA
- * Secretary of State in the Chancellery of the Prime Minister, Government Plenipotentiary for Family Affairs (Maria Smereczyńska)//(----)
- * Secretary of State in the Ministry of Justice (Janusz Niedziela)//(-----)
- * Under-Secretary of State in the Ministry of Labour and Social Policy (Irena Boruta)// (Krystyna Tokarska-Biernacik)
- * Under-Secretary of State in the Ministry of Transport and Maritime Economy (Andrzej S. Grzelakowski)//Since October 2001 the Ministry of Infrastructure (Krzysztof Heller)
- * Deputy Chairman of the Office of Competition and Consumer Protection (Elżbieta Modzelewska-Wąchal)//(-----)
- * Under-Secretary of State in the Ministry of Finance (Krzysztof Ners)//(Andrzej Raczko)
- * Under-Secretary of State in the Ministry of Agriculture and Rural Development (Jerzy Plewa)//no change
- * Under-Secretary of State in the Ministry of Environment (Janusz Radziejowski)//(-----)

* Under-Secretary of State in the Ministry of Health (Andrzej Rys)//(-----)

* Under-Secretary of State in the Ministry of Internal Affairs and Administration (Piort Stachańczyk)//(Zenon Kosiniak-Kamysz)

* Director of the Department of Regional Policy in the Governmental Centre for Strategic Studies (Marek Potrykowski)//(-----)

* Deputy Chairman in the Office of Regulation of Telecommunications (Marek Rusin)//(-----)

* Under-Secretary of State in the Ministry of Economy (Teresa Małecka)//(Ewa Freyberg and Janusz Kaczurba)

* Under-Secretary of State in the Ministry of Education (Jerzy Zdrada)//(-----)

* Secretary of State in the Ministry of Agriculture and Rural Development (Robert Grymek)//(----)

* Head of Poland's Mission to the European Union (Ivo Byczewski) // no change

⁹⁶ Resolution no 129 of the President of the Council of Ministers from 31/10/2001 on the Negotiating Team for Accession Negotiations with the EU.

Apart the Chief Negotiator, the Head of the Polish Mission to the EU and the Secretary of the Team, representatives of eight key ministries are included: finances, economy, infrastructure, agriculture, labour, interior, foreign affairs, Committee for European Integration.

situated in the Chancellery of the Prime Minister, was shifted in October 2001 to the Ministry of Foreign Affairs. Under the new Chief Negotiator Truszczyński, the role of the Chief Negotiator⁹⁷ has become more technical and less autonomous and widespread in the media.

The Negotiation Team prepares and confirms projects of negotiation positions of the Polish Government, and collaborates intensively with line ministries, in charge of particular chapters to be negotiated. All members of the Negotiation Team are requested to participate in meetings personally – there is no legal possibility to sending a representative.

3.3.5. Inter ministerial coordination – by the Inter-Ministerial Team

The Inter-Ministerial Team for the Preparation of Accession Negotiations with the European Union is an advisory body to the Prime Minister, appointed under the Regulation of 16 July 1998.⁹⁸ The representatives from individual ministries prepare and present the documentation and proposals of negotiation positions presented to the Negotiating Team. Since the beginning of the negotiation process, there are 37 subgroups within the Inter-Ministerial Team, which give opinions on the negotiating positions.

The Inter-ministerial Team for Preparation of Accession Negotiations is supported by the Task Force Teams, which are forums for consultation and confrontation of the ministries' interests and opinions in the procedure of elaborating draft position papers.

3.3.6. The Polish Mission to the EU

The complexity of the negotiation process makes it absolutely essential that the CEECs establish larger and more powerful missions

in Brussels for the duration of the negotiations.⁹⁹ The role of the Polish Mission to the European Union is not as strong as the Hungarian one (where the head of Mission is at the same time the Chief Negotiator) and mainly ensures technical assistance in the negotiation process, carries out political representation activities and provides information.

The Head of the Mission is a member of the Negotiating Team. Ivo Byczewski, Ambassador since February 2001, is the former Deputy Minister of Foreign Affairs. He replaced Jan Truszczyński, who had been the Polish Ambassador to the EC for over 4 years and who now has become the Head of the Office for European Integration and later EU Personal Adviser of the President in EU matters. In October 2001 he replaced Jan Kułakowski, the Chief Negotiator. The conclusion is simple: expert key-posts remain in the hands of the same group of people. The second key person, Minister Plenipotentiary Maciej Popowski exercises the functions of the Secretary of the Association Committee Poland-EU, the Secretary of the Accession Conference Poland-EU and is in charge of the EU institutional reform.

The structure of the Mission comprises nine departments, the political and economic tasks are dealt with in the largest departments while the social policy department is the smallest one (only one employee).¹⁰⁰ The members of the diplomatic

⁹⁷ *EuroFAP*, 23 October 2001 www.euro.pap.com.pl

⁹⁸ Regulation No 53 of the President of the Council of Ministers on the Inter-Ministerial Team for the Preparation of Accession Negotiations, 16/07/1998.

⁹⁹ A. Mayhew (1998), 'Preparation of EU and CEEC Institutions for the Accession Negotiations', in: *Public Management Profiles of CEEC – Poland?*, CCNM/SIGMA/PUMA (98)39.

¹⁰⁰ There are following members of the diplomatic staff in Poland's Mission to the EU (as on the 31st of October 2001). Source: internal contact list of the Polish Mission to the EU.

* Political department: Jarosław Starzyk, Zdzisław Sosnicki, Wojciech Ostrowski, Piotr Wolczak, Zbigniew Rzońca, Piotr Adamiuk, Małgorzata Kosiura-Kazimierska

* Economic and trade department: Jacek Dominik, Jan Lisiecki, Barbara Nieciak, Andrzej Skrzydło, Piotr Świętach, Iwona Idzikowska-Zyznowska, Andrzej Bidziński

* Department of agriculture: Władysław Piskorz, Danuta Kuczyńska-Cygal

* Social policy department: Janusz Gałęziak

staff are basically delegated from the Ministry of Foreign Affairs. However, some members of the staff do not have a diplomatic background and are recruited from line ministries e.g. agriculture or social affairs.¹⁰¹

Since the need for expert staff in Brussels is increasing the Polish Mission is becoming increasingly important in terms of number of staff. Some experts come to Brussels thanks to concrete demands, e.g. an expert civil servant on sanitary control issues to deal with the BSE crisis.

As a general rule, members of the diplomatic staff are performing their duties for up to 4-5 years. Maciej Popowski who used to be responsible for economic and trade affairs and is today the Deputy Head of Mission, has been working in the Mission for the longest time: since 1993.

In December 2001, the Minister of Foreign Affairs recalled Mr Byczewski, the Head of Polish Mission to the EU, after only ten months. The newly appointed Ambassador, Marek Grela has been a diplomat since 1972¹⁰² and is considered as a close associate of the President. The employment term replacement of representatives in Brussels means a strong politicisation of the positions. In fact, a few months after the change of government, almost all key positions in EU-related decision-making were exchanged.

3.3.7. The Polish Parliament

The Parliament is deeply involved in the legislative process to approximate national laws to EC/EU law. However, in terms of impact of Poland's EU-related policy, the

lower chamber of Parliament (Sejm) has a weak influence on EU-related decision-making.

There are three parliamentary committees involved in the harmonization of Polish law with EU standards: the European Integration Committee, the Foreign Affairs Committee and the ad hoc European Law Committee. All these committees play an important role in the legislative procedure, but their political role is limited, e.g. no Member of Parliament is represented in the Negotiation Team. The ad hoc European Law Committee was set up in 2000 in order to speed up the process of adoption of EU law.

In the upper chamber of the Parliament (Senat) there are two committees: the Foreign Affairs and European Integration Committee and the European Legislation Committee. The Sejm continues to exercise particularly intensive legislative activities in the area of adjusting Polish law into European law. In addition, about 120 new laws need to be passed in order to adjust the current legal system to the Constitution passed in 1997.¹⁰³

Lack of information and errors of coordination of EU oriented policy are explicitly pointed out in the declaration of the Senate Foreign Affairs and European Integration Committee in its position on the role of national parliaments in European architecture (July 2001). The text proposes the creation of new organisational structures in the Polish Parliament, which would enable effective participation in EU-related decision-making. This may sound unusual, because it means creation of new structures instead of increasing the effectiveness of the existing ones.

The question of European Integration seems to be a subject of interest not only to the limited group of the Members of Parliament involved in the activities of the above mentioned committees. Occasionally,

* Department of scientific research and environmental protection: Bogdan Rokosz, Monika Solis

* Legal section: Marta Cygan

* Press section: Małgorzata Alterman

* Promotion section: Dariusz Sobków

* Information systems: Włodzimierz Marciński, Iwona Starzyk

¹⁰¹ Interview with a senior civil servant, Poland's Mission to the EU, October 2001.

¹⁰² *Rzeczpospolita*, 16/01/2002.

¹⁰³ J. Hausner, R. Marody and others (2000), *Jakość rządzenia – Polska bliżej Unii Europejskiej*, in: *EU-monitoring IV*.

parliamentary debates on European integration take place, in presence of the members of government and the media. The most vigorous debate took place in the Sejm in February 2000, when the harmonisation of Polish law with EU standards and the public information strategy were the main topics.

3.3.8. Key actors and their background¹⁰⁴

Most of the key-actors have an economic or political science background. Members of the Negotiating Team are experts in the field they are tackling, *e.g.* Jerzy Plewa, responsible for negotiations in the chapter Agriculture, has a PhD in agriculture sciences; Teresa Małecka, negotiator for free movement of goods has a PhD in economics. It is interesting to mention that Andrzej Ananicz, responsible for the CFSP and Institutions, is a graduate in Turkish philology, was trained in Oxford and has taught in Warsaw and Bloomington.

Three principal actors in the UKIE have studied abroad. Jarosław Pietras has a PhD in economics and is a former trainee of the Fulbright Foundation, the University of Glasgow as well as the Centre for European Policy Studies in Brussels. He negotiated for Poland the TRIPS agreement (1991-1994) as well as the Europe Agreement. Jacek Saryusz Wolski has a PhD in economics and has finished postgraduate studies in the Centre Européen Universitaire in Nancy, and undertaken traineeships in Paris, Lyon, Grenoble and Oxford. Paweł Samecki has a PhD in economics (specialisation international economic relations), was trained in Cairo and LSE London. After graduation he followed a brilliant civil service carrier as Director of the Department of Foreign Assistance in the UKIE and Under Secretary of State in the Ministry of Finances and the UKIE.

The Chief Negotiator Jan Truszczyński an economics and European studies gradu-

ate, has accomplished postgraduate studies in German and international public law. Since 1972 he has been working at the Ministry of Foreign affairs in charge of European Integration. Prof. Danuta Hübner, Secretary of State in the MFA, responsible for the UKIE and European integration is an external commerce graduate Her scientific periods abroad include Geneva, Sussex, Madrid and Berkeley.

Some of the key-actors, particularly those linked to the Miller government had close ties with the communist regime. The Prime Minister Miller himself (political scientist, former Secretary of PZPR, Polish Unified Workers Party – communists), and the Foreign Minister Cimoszewicz (PhD in law, Member of Parliament since 1989 from the communist party) are the most important examples.

The international background of Polish key-actors in the enlargement process means in practice more self-confidence and openness to negotiate on an equal level with EU counterparts and pursuing a negotiation strategy that is not weaker than the Commission's strategy. Basically all key actors since the beginning of the transformation process are strongly in favour of accession to the EU, as the only guarantee for Poland's strong international position and the success of transformation. A weakness of political forces opposed to EU integration can be attributed to the fact that their key politicians have a poor knowledge of EU policies and poor linguistic skills.

3.4. Accession negotiations on employment, social policy and administrative capacity: A case study

The negotiation chapter "Employment and social policy" encompasses legal provisions related to specific issues such as labour law, social dialogue, equal treatment of women and men, fight against racism and xenophobia, employment as well as public

¹⁰⁴ Source: website of the Polish government www.kprm.gov.pl 15/09/2001 and 7/01/2002 and www.euro.pap.com.pl

health.¹⁰⁵ In view of the number of issues to be considered, it is one of the most complex negotiation chapters, which the EU and Poland closed successfully on the 1st of June 2001.

First sessions of multilateral screening took place in October 1998 with the participation of representatives of all countries from the so-called “Luxembourg group”. At this stage, experts of the European Commission presented the *acquis communautaire* in this field and answered the questions of experts from candidate countries. The bilateral screening took place in Autumn 1998 and was led on the Polish side by the Undersecretary of State in the Ministry of Labour and Social Policy (member of the Negotiating Team). Before the beginning of the bilateral screening the Commission sent so called screening lists A and B containing legal acts (primary and secondary law), as a sort of guidelines in reviewing Polish legislation to be harmonised with EC/EU law.

The negotiation position on this chapter of the *acquis* was prepared by an inter-ministerial working group, which consisted of civil servants from several ministries: Ministry of Labour and Social Policy, Ministry of Economy, Ministry of Finances, *etc.* During the process of drafting a negotiating position numerous consultations with social partners, interests groups and, above all, with representatives of small and medium-sized enterprises took place.¹⁰⁶ The working group submitted its position to the Negotiation Delegation, and when adopted by the Negotiation Team, it was discussed in the inter-ministerial Committee for European Integration. The negotiation position was finally adopted by the Council of Ministers in May 1999. The Government Plenipotentiary for Accession Negotiations

presented the position on employment and social policy to the Sejm Commission for European Integration. Thus, as to negotiation positions, the deputies in the Parliament are consulted and can articulate their opinions but they do not participate in the process of formulating and deciding positions.¹⁰⁷

Basically the position on employment and social policy followed the general principle of full adoption of the *acquis communautaire* upon accession, with only two derogations. Requests for transitional periods concerned requirements of security and hygiene of using equipment in the work place and minimum requirements for application of individual protection of workers. These were justified by prohibitive costs of immediate implementation of EU rules for small and medium enterprises. However, it took two years to close the chapter. The Commission’s “common position” was negotiated between the two partners. Modifications of the negotiating position were accompanied by technical consultations between Polish civil servants and experts from the European Commission.

The change of the negotiation position at the beginning of 2001, which consisted of the renouncing of a transitional period (on individual protection of workers and on protection of workers against biological risk factors¹⁰⁸) needed prior approval of the Cabinet of Ministers. It was based on detailed analysis and evaluation of potential costs of implementation of directives in the mentioned areas. Due to the modified national position on the Polish side, it was possible to close temporarily the accession negotiations in the field of employment and social policy. The closure of the chapter took place on the 1st of June 2001 during a

¹⁰⁵ See: negotiation position in the area of ‘Employment and Social Policy’ adopted by the Council of Ministers on the 25th of May 1999.

¹⁰⁶ Pęnomocnik Rządu do Spraw Negocjacji o Członkostwo RP w Unii Europejskiej (2001), ‘Zrozumieć negocjacje’, Chapter: ‘Polityka społeczna i zatrudnienie’, Kancelaria Prezesa Rady Ministrów, Warsaw, 2001, p. 105.

¹⁰⁷ M. Brusis, J. A. Emmanouilidis (2000), ‘Negotiating EU Accession: Policy Approaches of Advanced Candidate Countries from Central and Eastern Europe’, p. 16.

¹⁰⁸ Pęnomocnik Rządu do Spraw Negocjacji o Członkostwo RP w Unii Europejskiej (2001), ‘Zrozumieć negocjacje’, Chapter: ‘Polityka społeczna i zatrudnienie’, Kancelaria Prezesa Rady Ministrów, Warsaw, 2001, p. 107.

negotiation session at the level of deputy heads of delegations.

3.5. Interactions with Brussels

3.5.1. Levels of interactions resulting from the Association Agreement

Specific interactions between the European Commission and administrations in applicant countries go beyond traditional diplomatic relations, where only high-ranking officials meet. The contacts between the Polish administration and EU institutions take place at two levels, the political and the working level. At the political level, meetings are related to the implementation of the Europe Agreement and take place in the framework of the following institutions: the Association Council, the Association Committee and its Subcommittees as well as the Parliamentary Association Committee. Polish actors involved in the Association Committee meetings are at least directors of departments.

At the working level, it is much more interesting to observe the involvement of civil servants on both sides and the scope of co-operation. Usually, members of COREPER meet representatives of ministerial working groups at the level of deputy directors. Both representatives of the EC Delegation in Poland and the European Commission in Brussels stress the efficient working contacts at medium level (desk officers, deputy directors). Technical day-by-day co-operation is focused on programmes (PHARE, ISPA, SAPARD) as well as Community programmes in which Poland participates. Departments of European Integration in line ministries, expert departments specialised in a concrete matter, as well as implementing agencies are the main interlocutors of Commission civil servants.¹⁰⁹ Polish civil servants at medium

level – experts, senior experts and heads of unit – are involved in the process.

The EC Delegation in Warsaw has been dealing almost exclusively with the UKIE, which has been the first partner for working discussion. At the second level, there are governmental or non-governmental implementing agencies responsible for the management of several Community programmes in Poland. Finally, contacts take place at the level of particular ministries. Since management of Community assistance has been decentralised, competences with regard to the coordination of PHARE and other programmes have been transferred to Warsaw. In this respect, levels of cooperation include programming of PHARE and meetings of PHARE monitoring committees (twice a year).

Apart from relations between the Task Force Poland and the UKIE, other Commission offices and Directorates General are also involved in the process, for example EUROSTAT maintains contacts with the Polish Office for Statistics, DG Enterprise with the Ministry of Economy, DG INFSOC (for telecom) with the Office for Regulation of Telecommunications. In case when contacts take place between line ministries and the Commission, the UKIE is always informed.

3.5.2. Interactions in view of accession negotiations

Since the beginning of negotiation talks, links between Polish administration and the Commission are of course getting closer. The Prime Minister and the Minister of Foreign Affairs (the head of the Negotiating Team) participate in the talks at the political level with Commissioner Verheugen and other Members of the Commission. At the more technical level, the EU Chief Negotiator meets regularly (once a week) the Polish Chief Negotiator.

The European Commission plays the role of an intermediary between the candidates and EU members. Therefore, diplomatic activities and lobbying which Poland is conducting in Brussels as well as in other

¹⁰⁹ Interview with a senior official, EC Delegation in Warsaw, October 2001.

EU capitals are extremely important.¹¹⁰ According to civil servants working in the European Commission, the Missions to the EU play a very important role in bringing administrations in the applicant countries nearer to the Brussels' centre. For the Task Force Poland (DG Enlargement), the Polish Mission to the EU is a very useful source of information and contacts in Poland. That is why there are very close links between the Mission and the Team Poland. The relations between Missions and TAIEX are excellent on a formal and semi-formal level, since this cooperation is in the interest of both parties.¹¹¹

In fact, accession negotiations require interactions at many levels: the European Commission, EU member states, but mostly partners in Poland. Broad consultations with professional organisations and interest groups as well as a successful information policy about the negotiations facilitate reaching an internal compromise, as a starting point before the proper negotiations start.

Applicant countries, and in particular the so-called Luxemburg group, cooperate closely in the field of accession negotiations. There are informal meetings at the level of Chief Negotiators, and meetings on lower levels. Expert cooperation, which is complementary to the political cooperation, also takes place; it enables the elaboration of common positions of the applicant countries as well as a platform of mutual information exchange on the conduct of negotiations.¹¹²

¹¹⁰ Chancellery of the Prime Minister of the Republic of Poland, Government Plenipotentiary for Poland's Accession Negotiations to the European Union (2000), 'Accession Negotiations. Poland on the Road to the EU', Warsaw, October 2000, p. 33.

¹¹¹ Interview with an expert of the European Commission, October 2001.

¹¹² Cf. Chancellery of the Prime Minister, Negotiations on Poland's membership in the EU 1998-2000, <http://www.kprm.gov.pl/ue/PRZYPIS1.htm>

4. THE ROLE OF THE CIVIL SERVANTS IN THE ACCESSION PROCESS

4.1. Current perception of civil service in Poland: Objectives and problems of civil service reform

Due to a close political correlation with administrators under the communist regime, the image of employees working in public administration is very negative. In fact, a term of "civil servant" does not exist in the social consciousness: the notion of "urzędnik", related to a public administration employee has very negative connotations with the past, and implies phenomena such as corruption, incompetence and lack of motivation. According to opinion polls on professional honesty and integrity, one of the lowest results was gained by state public servants (9 per cent).¹¹³ Only politicians and Members of Parliament obtained a lower score (6 per cent).¹¹⁴ This data perfectly mirrors the nation-wide pessimism vis-à-vis public officials. For that reason, the first objective of civil service reform is to regulate the situation of civil servants and to restore their legitimacy in the society. The major challenge for the Polish Civil Service goes beyond the implementation of civil service law and tries to work out how to give legitimacy to the public administration in the eyes of citizens and taxpayers in order to build up confidence in the administration. At the same time a public information campaign on the functioning of the civil service has been launched in 2000 to

¹¹³ CBOS (Public Opinion Research Centre) June-July 2000, 'Opinion on Professional Honesty and Integrity'.

¹¹⁴ Whereas university teachers (62 per cent) and nurses (57 per cent) were most positively assessed.

improve the image of public administration in the society.¹¹⁵

Other important objectives of civil service reform include the establishment of mechanisms of control and accountability in order to prevent abuse of public powers and mismanagement of public resources,¹¹⁶ and separation as far as possible of the public domain of politics from the public domain of administration.

The main problem of Polish civil service is to attract the best-motivated candidates, to retain them by offering reasonable career development prospects, personal self-fulfilment and to introduce structures which will promote social confidence in the service. The reforms should have the following objectives: "an open, flexible, equitable and structured civil service framework, with more flexible entry and exit mechanisms to take in talent and remove non-performers at all levels; an enabling and motivating environment for civil servants with a competitive but performance-based reward system to attract, retain and motivate civil servants, a practice based on the principles of accountable and responsible behaviour, enhancing efficiency and quality of service".¹¹⁷ The reform introduced in Poland in 1999 tries to realise these objectives and politicians are conscious that the process will be long lasting. As to the separation of politics from administration, important steps were taken in 2001, through restructuring the centres of power and the limitation of direct influence of the Prime Minister as well as reduction of the number of political advisers.

¹¹⁵ Report on the realisation of the National Programme of Preparation for Membership in the EU (NPPM), adopted by the Committee for European Integration on 22.02.2002, p. 434.

¹¹⁶ Targets of the civil service reform quoted in: SIGMA Papers (1999), No. 27, 'European Principles for Public Administration', CCNM/SIGMA/PUMA (99)44/REV1, p. 22.

¹¹⁷ A. B. L. Cheung, quoted in: B. Kudrycka (2001), 'The Changing Position and Status of Civil Servants', rapporteur at the 25th International Congress of Administrative Sciences Athens, 9 to 13 July 2001 – Governance and Public Administration in the 21st century.

4.2. Civil servants involved in EU-related decision-making

There is a very limited civil service class in Poland, which remains active independent of the political situation. As concerns high-ranking actors, the same people remained on the highest posts since 1989. A conclusion that can be drawn from CVs of applications addressed to TAIEX shows that many officials had been working for communist governments, having been civil servants for 20 years. A similarity of attitudes of civil servants in applicant countries is strongly perceived.

According to Jabłoński, in the early 90s, the structure of Polish central government and administration were conceived as a source of serious shortcomings of political and economic management in Poland; he stresses that a lack of cooperation and coordination of the policies of the semi-independent ministries and incoherent and often contradictory decisions adopted by particular ministries created decision-making chaos.¹¹⁸

One of the most important characteristics of the accession-related human resources structures in Poland is an important rotation of civil servants, a frequent changing of posts in several ministries.¹¹⁹ This phenomenon is particularly visible with regard to key actors, performing duties in the EU integration field, independently of their political affiliation. The former Secretary of State for European Integration Saryusz-Wolski (1998-2001) is not a member of a party (even if he has centre-right tendencies). The Polish first Chief Negotiator Kułakowski (1998-2001) was replaced in this post by Truszczyński, former Ambassador to the EU and Adviser to the Presi-

¹¹⁸ A.W. Jabłoński (1997), 'Europeanisation of Public Administration in Central Europe. Poland in Comparative Perspective', Final Report, NATO Research Fellowship Report 1997, p. 28.

¹¹⁹ Interview with a senior official of the European Commission, October 2001.

dent, politically more left orientated. This phenomenon leads in Poland to the stable existence of only a very small expert elite group in European affairs.

4.3. Reform of the civil service and its influence on the whole administrative capacity

In a report of the Commission's expert group,¹²⁰ a lack of trained administrative personnel for the public service in Central Europe and a problem of "brain-drain" from the public to private sectors have been identified. Both these problems exist in Poland, since there is no incentive for young, well-educated people to join the civil service. This situation – in which motivation to work is low and corruption is demonstrative – has slowly started to change after the entry into force of the Civil Service Act on the 1st of July 1999.

In its document entitled "Partnership for Membership" (1997), the European Commission stressed the necessity to improve the competence and knowledge of European integration issues of civil servants. The NPPM, a key-document on the Polish side stresses the access to civil service and preparation of regional administration for participating in EU policies, programmes and Community funds as priority areas on the way to membership. In practice, the enforcement of the civil service reform takes place along two paths:

- * Through the PHARE – Twinning Programme launched on the 9th of September 2000 and aimed at the improvement of effectiveness of management in public administration and access to civil service in Poland.
- * On the basis of the agreement between the Head of the Civil Service and the EIPA

Maastricht – 12 April 2000.¹²¹ Participation in activities of this Institute implies a comparative approach to different administration systems in the member states, as well as organisation of training and research sojourns of Polish civil servants in the EIPA.

According to a SIGMA report from 2000, around 16 000 people are employed in central ministerial and non-ministerial institutions.¹²² Only 500 out of 16 000 were nominated civil servants, *e.g.* have passed preparatory service and examination and were successful in the qualification procedure, according to the 1999 Civil Service Law. According to the Civil Service Office Report of Activities 2000, there were 1387 higher-ranking civil servants out of 16 000 civil servants employed in central ministerial and non-ministerial institutions, engaged under the Civil Service Law.¹²³ An annual limit of nominations has been fixed at 500 per year.¹²⁴ In practice, the number of appointed civil servants per year is much lower, *e.g.* in 2001 267 civil servants were appointed, including 58 graduates from the National School of Public Administration.¹²⁵

The most important source of well qualified civil servants is the National School of Public Administration (KSAP) established in May 1990. This school was set up in order to help Poland face new political, social and administrative challenges and is a postgraduate establishment for law, economics and administration school graduates. About 50 students graduate

¹²⁰ European Commission (2001), 'White Paper on Governance', Report of Group 6, 'Policies for an enlarged Union', Pilot: AVERY G., June 2001.

¹²¹ J. Czaputowicz (2000/2001), 'Implikacje integracji z Unią Europejską dla polskiej służby cywilnej', *Biuletyn Służby Cywilnej*, nr 1, Fall-Winter 2000/2001, p. 42.

¹²² SIGMA report 2000, 'Public Management Profiles of CEECs: Poland', pp. 31-32.

¹²³ Office of Civil Service, Report of Activities 2000, 'Gromadzenie i analizowanie informacji o korpusie służby cywilnej', www.usc.gov.pl, p. 13 (14/10/2001).

¹²⁴ Office of Civil Service, Report of Activities 2000, 'Stan służby cywilnej', www.usc.gov.pl, p. 1.

¹²⁵ Report on the realisation of the National Programme of Preparation for Membership in the EU (NPPM), adopted by the Committee for European Integration on 22.02.2002, p. 437.

yearly and start to work in the public administration, (entering the school has a prerequisite that graduates will work for at least 5 years in public administration). They automatically get the status of civil servant.

4.4. The civil service reform

According to a SIGMA document, there are several issues which must be taken into consideration in the administrative capacity assessment.¹²⁶ On the basis of SIGMA criteria, civil service reform must respond to several requirements in order to be successful:¹²⁷

- * Legal status of civil servants
- * Legality, responsibility and accountability of public servants
- * Impartiality and integrity of public service
- * Efficiency in the management of public servants and in control of staffing
- * Professionalism and stability of public servants
- * Development of civil service capacities in the area of European integration.

Poland has certainly fulfilled the first prerequisite, by introducing a civil service law. Progress is also made as to the development of EU competences of the civil servants. However, the remaining factors are linked to a need for mentality change and progress will probably require a much longer time.

The relatively positive assessment of civil service reform was compromised in December 2001, when the Polish parliament introduced an amendment to this law,

¹²⁶ SIGMA (1999), 'European Principles for Public Administration', SIGMA PAPERS No. 27; CCNM/SIGMA/PUMA(99)44/REV1, p. 8.

¹²⁷ Cf. Baseline issues for horizontal administrative capacity reform quoted in: T. Verheijen (2000), 'Administrative Capacity Development. A Race against Time?', Scientific Council for Government Policy WRR; Working Documents W 107/2000, p. 18.

enabling the general directors in line ministries in the period before 2005, to hire candidates – initially not belonging to the top civil service – for high-ranking posts. Such an appointment will depend on the consent of the Prime Minister, if the candidate possesses a particular experience or professional capacities.¹²⁸ The amendment waters down reforms, which have been successfully introduced and will probably lead to a new politicisation of high-ranking positions in Polish administration, and the promotion of administrators coming from the old regime. It can be expected that the European Commission will severely react to this development.

4.5. The coordination of EU-related decision-making

Coordination of EU-related decision-making in Poland operates in an institutional triangle, involving the Prime Minister (and the Chancellery of the Prime Minister), the Ministry of Foreign Affairs as well as the Committee for European Integration (supported by the Office of the Committee for European Integration – UKIE). As stated in the previous chapter, the Miller government reduced the role of UKIE.

It is extremely interesting to investigate the linkage between the three institutions and a redefined role of the Committee for European Integration, which is headed by the Prime Minister. The Secretary of the Committee for European Integration (Danutą Hübner) is at the same time Secretary of State in the MFA. This means in fact a strengthening of the political role of the KIE. The European Commission seems to appreciate very much this institution, which, according to a Commission official, ensures the best coordination of Polish EU integration policy. The Polish MFA, the Prime Minister and the UKIE always present a unified view vis-à-vis EU matters and there are never contradictory positions between them.

¹²⁸ *Polish Press Agency*, 18/12/2001.

4.6. Problems of cooperation between ministries

One of the major weaknesses of the internal coordination concerns intra- and inter-ministerial cooperation at the level of civil servants. Due probably to a post-communist heritage, a cooperative model of civil service is rather unknown. Civil servants are very concerned with keeping a hierarchical relationship with their colleagues and tend to compete between themselves rather than share information or know-how. Training in the framework of Twinning constitutes a very important example. After being trained, civil servants go back to their ministries and are not likely to spread their newly gathered knowledge, but keep it for themselves.¹²⁹ This also illustrates another problem: a general lack of communication between civil servants within a ministry, and also on an inter-ministerial level.

In spite of the introduction of administrative reforms, there is still a great concentration of power and administrative competence in the centre of the executive authority.¹³⁰

One of the most important features of the Polish civil service reform is the importance accorded to the highest officials. Already in 1995 a SIGMA paper stressed¹³¹ that Poland is following the Dutch model by developing a Senior Public Service with a strong emphasis on the professional development of managers and on improving coordination capacities. The policy preserving management mechanisms for highest officials in the government led to a situation in which Poland has a very strong core of civil servants at the highest level, implying a gap between them and the medium level offi-

cials who are not necessarily incompetent, but are not directly involved in the EU-related decision-making.

5. CONCLUSIONS: POLISH PUBLIC ADMINISTRATION – FIT FOR MEMBERSHIP?

After more than a decade since the transformation process started, Poland is on a good way towards the creation of an efficient public administration system. This is of particular importance, because insufficient administrative capacities in new member states could impede the progress of further integration. Poland has already built up strong and democratic institutions and successfully developed administrative structures. The country has at its disposal an efficient core of civil service well trained in EU affairs, which is responsible for initiating, leading and implementing EU-related policies. Over the last few years, the coordination between ministerial bodies as well as contacts with EU institutions has definitely improved. The country fulfils the political criteria set up in Copenhagen and, at the same time, it continues the efforts to fully respond to the administrative prerequisites for accession.

However, the setting up of institutions and passing of laws will not be enough to integrate Polish administration into the European administrative space. In particular questions of political culture, mentality and ethics of work, which the current Polish administration has inherited from its communist past, are factors which need a whole generation to be changed. For the near future, there are three main weaknesses that the Polish administration will have to overcome.

First of all, the Polish administration needs to become more effective in the implementation of the *acquis*. An effective implementation of the administrative reform as well as reliable enforcement of EU

¹²⁹ Interview with a senior official of the European Commission, TAIEX office, October 2001.

¹³⁰ J. Pastwa (2000), 'The Role of the Centre of Government. Reforms in Years 1996-2000'; OECD seminar "Government Coherence", 6-7 October 2000, Budapest, p. 7.

¹³¹ SIGMA Papers (1995), No 1, 'Top Management Service in Central Government: Introducing a System for the Higher Civil Service in Central and Eastern European Countries', OECD, Paris, 1995.

conform legislation should be absolute priorities on the eve of EU accession. As Elmar Brok, MEP, pointed out, “it is not enough to show good will by passing the necessary laws and by creating the necessary institutions. There must also be the ability to put these laws into operation (...).The institutions must function in order to manage membership”.¹³²

Secondly, the widespread corruption by which high-ranking civil servants and politicians are affected, leads to a highly critical attitude of the Polish society. According to the evaluation made by Transparency International in 2001, Poland remains the country where the level of corruption is one of the highest in central Europe.¹³³ The methods to fight this phenomenon include improving the effectiveness of the judicial system and strengthening the involvement of the police and the border guard service in the anti-corruption fight.

Thirdly, there is no debate on governance and division of competences between national, regional and local levels. As yet, EU-related decision-making is made at the national level and does not involve regional bodies. The situation, in which the problems of multi-level governance are not addressed adequately, should change. The debate on the strengthening of the institutions and a new division of powers at the European, national and regional levels constitutes a fundamental item on the European agenda. However, Poland, similarly to most applicant countries, has not yet taken up the EU debate on governance, which is far away from its immediate concerns as an applicant country.

In the last decade, Poland has basically prioritised EU-related policies on a political level. At present, the role of key-actors – politicians – is clearly predominant over the EU involvement of administrators at the

technical, and apolitical level. Improving the latter has to be a priority. In the coming months directly preceding the moment of accession, the gap between strengthening of EU capacities at the national level of the ministries and decentralisation (competences attributed to civil servants, officials having to implement EU-related tasks at their respective levels) has to be filled.

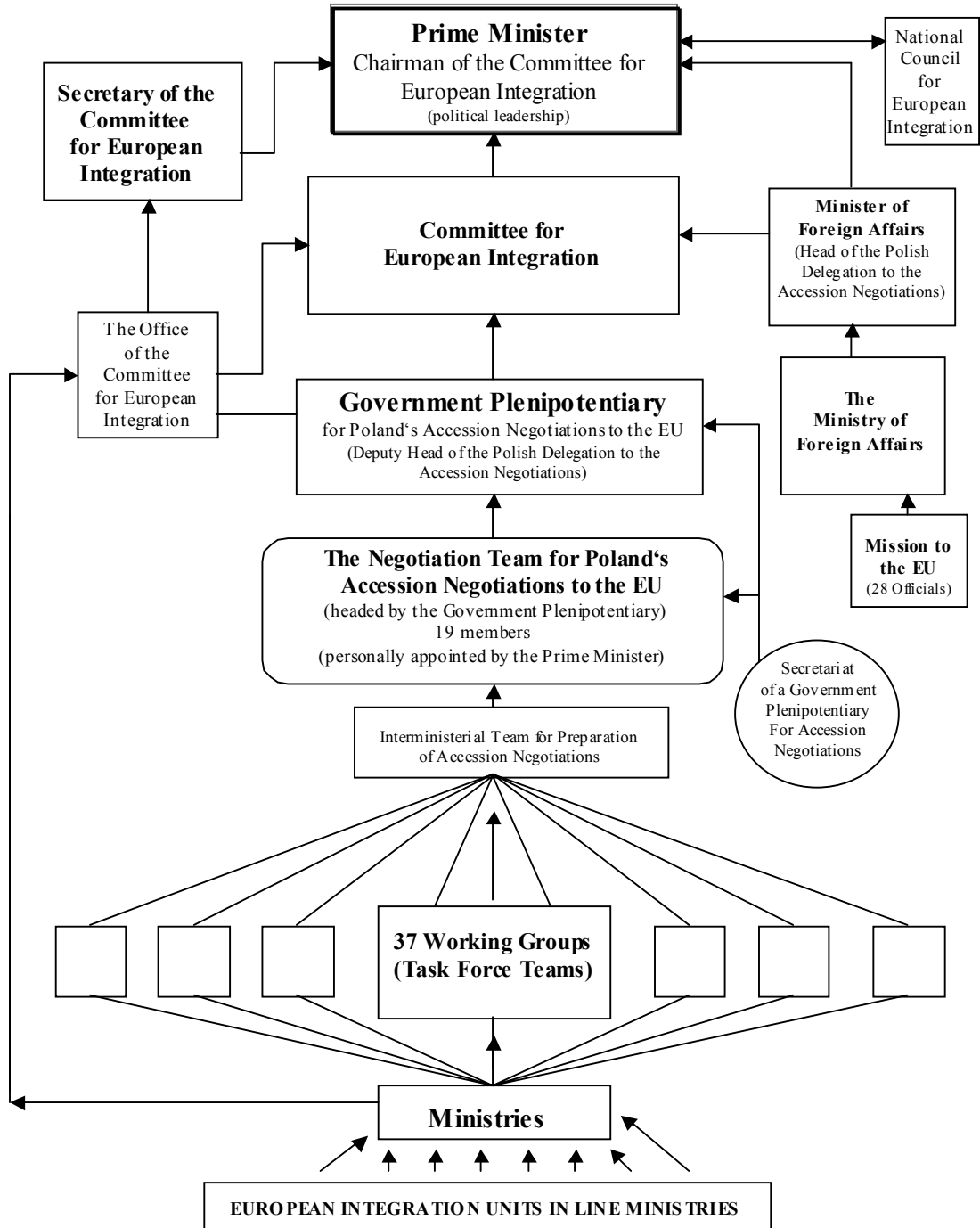
To sum up, so far the process of Europeanisation of Polish public administration has been successful, and major steps forward have clearly been made. The Polish administration is deeply affected by the process of Europeanisation, according to the definition given by Wessels and Rometsch.¹³⁴ EU-related decision-making has become a priority area over the last twelve years, involving all core institutions and even larger circles of actors (politicians and civil servants). However, a positive prognosis and the progress already made does not mean that the process has been fully accomplished.

¹³² E. Brok (2000), ‘The EU after Enlargement: Managing Coexistence of Newcomers and Veterans in a United Europe’, *Public Management Forum*, Vol. VI – N° 1 – 2000, p. 6.

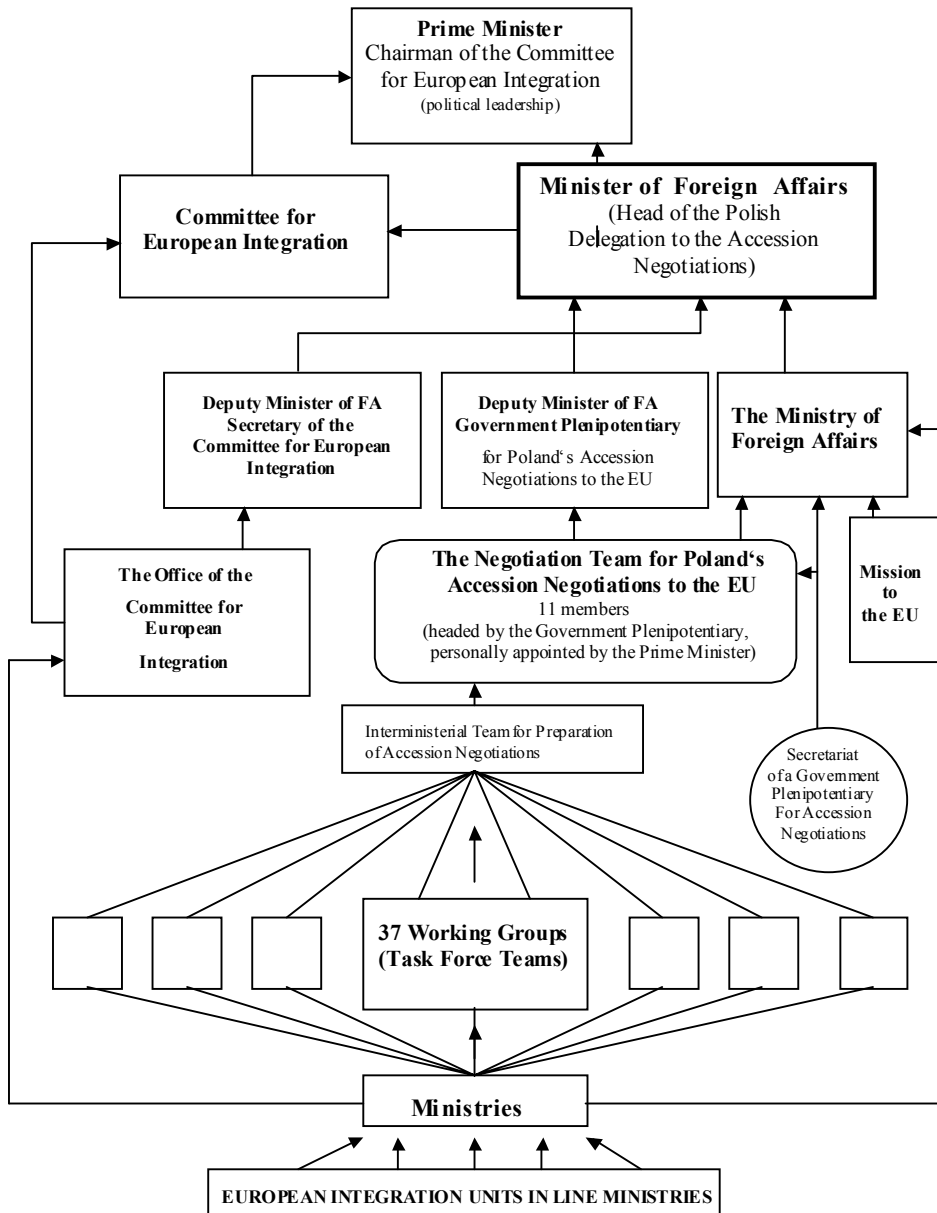
¹³³ *The Economist*, 1 December 2001.

¹³⁴ Europeanisation is a ‘shift of attention of all national institutions and their increasing participation – in terms of the number of actors and the intensity – in the EC/EU decision-making cycle’ – Wessels and Rometsch quoted in: B. Lippert, G. Umbach, W. Wessels (2001), ‘Europeanisation of CEE Executives: EU Membership Negotiations as a Shaping Power’, *Journal of European Public Policy*, Vol. VIII, No. VI, p. 980.

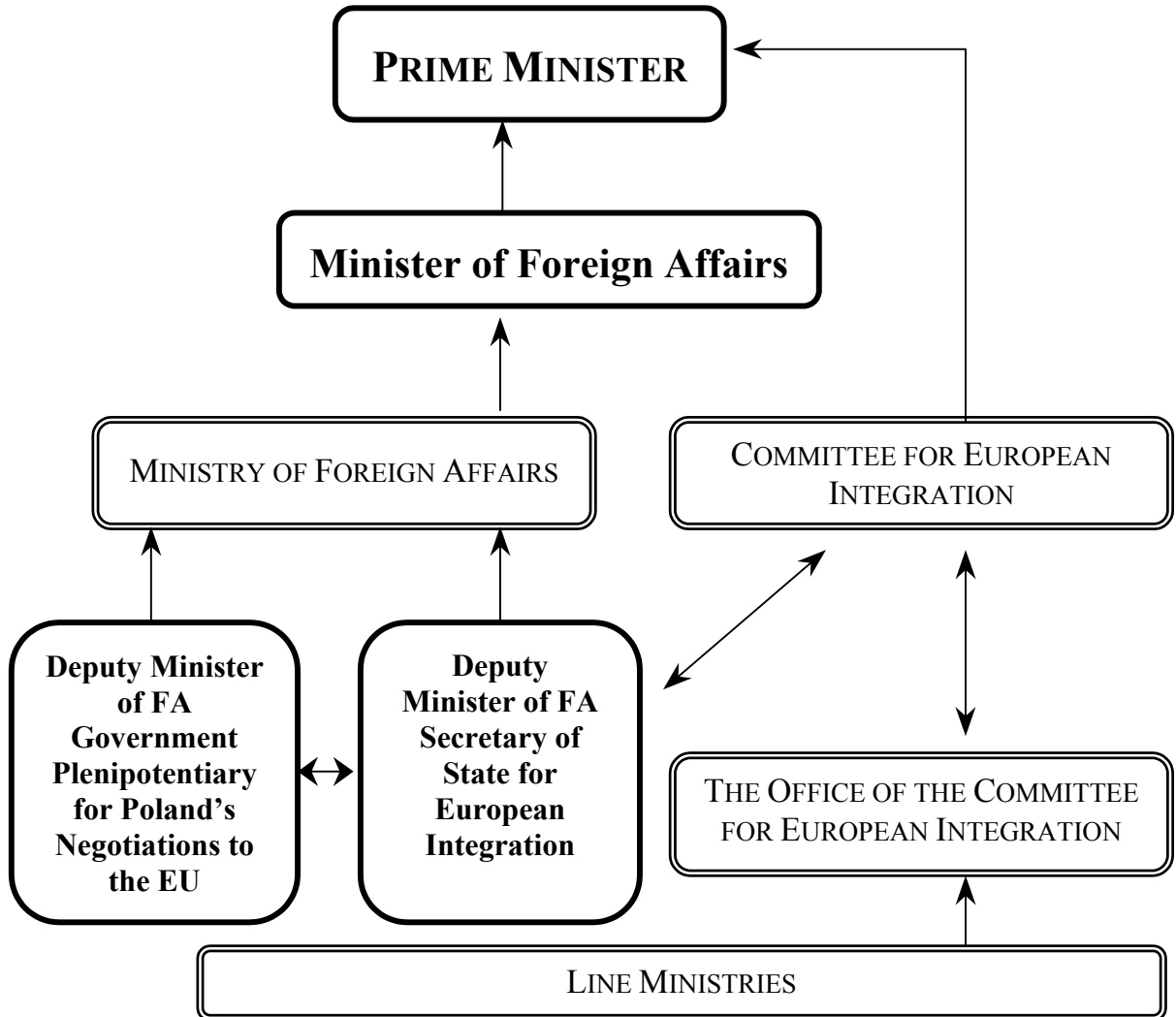
GRAPH 1
 Model of central co-ordination with a strong Prime Minister
 as of March 2001



GRAPH 2
 Influence of the political changes occurred in November 2001
 on the central co-ordination of EU-related decision-making



GRAPH 3
The simplified structure of coordination of EU-related decision-making



BIBLIOGRAPHY

- P. Ahonen, R. Polet, M. Kelly, T. Larsson and others (2000), *Public Administration in the New Millennium: Some European Scenarios*, Maastricht, 17 February.
- P. Becker and B. Lippert (1997), 'Der Strukturierte Dialog der Europäischen Union mit den Staaten Mittel- und Osteuropas', *IEP-Berichte 1*, Bonn, Institut für Europäische Politik.
- C. Blaszczyk (1998), 'European Policy-making in Poland – Institutional and Political Framework', in: B. Lippert and P. Becker (eds.), *Towards EU-Membership. Transformation and Integration in Poland and the Czech Republic*, Bonn, Europa Union Verlag.
- M. Brusis, J. A. Emmanouilidis (2000), 'Negotiating EU Accession: Policy Approaches of Advanced Candidate Countries from Central and Eastern Europe', paper elaborated in the context of a project on 'Issues and Consequences of Eastern enlargement', jointly realised by the Bertelsmann Foundation and the Bertelsmann Group for Policy Research, Centre for Applied Policy Research, July.
- CBOS (2001), Public Opinion Poll, Opinions of Polish People on European Integration, July; www.cbos.pl
- CBOS (2001), Public Opinion Poll Opinion on Professional Honesty and Integrity, June–July; www.cbos.pl
- Chancellery of the Prime Minister, Government Information Centre; <http://www.kprm.gov.pl/central/inform.htm> (September 2001 – January 2002).
- A. B. L. Cheung (2001), quoted in: B. Kudrycka, 'The Changing Position and Status of Civil Servants', rapporteur at the 25th International Congress of Administrative Sciences Athens, 9 to 13 July 2001 – Governance and Public Administration in the 21st Century.
- Statement of the Council of Ministers* (2001), Chancellery of the Prime Minister, Government Information Centre (CIR), Warsaw, 20 October.
- Statement of the Council of Ministers* (2001), Warsaw, 15 November, <http://www.kprm.gov.pl/archiwum/komunikaty2001/rm.htm>
- J. Czaputowicz (2000/2001), 'Implikacje integracji z Unią Europejską dla polskiej służby cywilnej', *Biuletyn Służby Cywilnej*, nr 1.
- European Commission (1995), *White Paper – Preparation of the Associated Countries of Central and Eastern Europe for Integration into the Internal Market of the Union*, COM (95) 164, Brussels.
- European Commission (1997), *AGENDA 2000, Opinion on Poland's Application for Membership of the EU*, 15 July.
- European Commission (1997), *Partnership for Membership*.
- European Commission (1998), *Regular Report from the Commission on Poland's Progress towards Accession*, November.
- European Commission (1999), *Regular Report from the Commission on Poland's Progress towards Accession*, October.
- European Commission, DG Enlargement (1999), *Poland: 1999 Accession Partnership*, OJ L 85, 20.03.1998, p. 1.
- European Commission (2000), *Regular Report from the Commission on Poland's Progress towards Accession*, COM (2000) 0709, Brussels.

- European Commission (2000), *White Paper on European Governance, Enhancing Democracy in the European Union*, Commission staff working document, SEC(2000) 1547/7, Brussels, October.
- European Commission (2000), *Enlargement Strategy Paper. Regular Reports from the Commission on Progress towards Accession by Each of the Candidate Countries*, Brussels, November.
- European Commission (2001), *Regular Report from the Commission on Poland's Progress towards Accession*, Brussels, November.
- J. Fournier (1999), 'Governance and European Integration – Reliable Public Administration', in: SIGMA (ed.), *Preparing Public Administrations for the European Administrative Space*, SIGMA Papers, No. 23; SIGMA/PUMA (98)39; pp. 119–135.
- J. Hausner, M. Marody (ed.) (2000), *The Quality of Governance: Poland Closer to the European Union?*, EU-monitoring IV, Kraków, Friedrich-Ebert-Stiftung.
- Homepage of the Polish Government 2001: Ministries, Central Agencies and Major Institutions, <http://www.kprm.gov.pl/central/GOVADM.HTM>, 10.5.2001.
- R. Inglehart (1999), 'Trust, Well-being and Democracy', in: M. Warren (ed.), *Democracy and Trust*, New York and Cambridge: Cambridge University Press, pp. 88–120.
- A. W. Jablonski (1997), 'Europeanisation of Public Administration in Central Europe. Poland in Comparative Perspective', Final Report, NATO Research Fellowship Report.
- C. Knill and D. Lehmkuhl (1999), 'How Europe Matters. Different Mechanisms of Europeanisation', European Integration Online Papers (*EioP*), 7; <http://olymp.wu-wien.ac.at/eiop/texte/1999-007.htm>
- L. Kalarska-Bbibińska (ed.) (2001), *Before the Great Change. Polish Public Opinion and EU Enlargement*, Institute of Public Affairs, Warsaw.
- M. Kucia (1999), 'Public Opinion in Central Europe on EU Accession: The Czech Republic and Poland', in: *Journal of Common Market Studies* 1/99, pp. 143–152.
- D. Lasok (1995), *Zarys prawa Unii Europejskiej*, Lublin.
- B. Lippert, *EC-Ostpolitik Revisited: Continuity and New Approaches*, Bonn: Europa Union Verlag.
- B. Lippert (1998), 'From Pre-accession to Membership: Implementing Transformation and Integration', in: B. Lippert and P. Becker (eds.), *Towards EU-Membership. Transformation and Integration in Poland and the Czech Republic*, Bonn: Europa Union Verlag.
- B. Lippert, G. Umbach, W. Wessels (2001), 'Europeanisation of CEE Executives: EU Membership Negotiations as a Shaping Power', *Journal of European Public Policy*, December, pp. 980–1012.
- A. Mayhew (1998), 'Preparation of EU and CEEC Institutions for the Accession Negotiations', in: SIGMA (ed.) *Preparing Public Administrations for the European Administrative Space*, SIGMA Papers, No. 23, pp. 79–92.
- Narodowy Program Przygotowania do Członkostwa (NPPC) (1998) – National Programme of Preparation for Membership in the EU (NPPM), Warsaw, (adopted by the Council of Ministers on 23.06.98).
- National Strategy for Integration, Warsaw, 1997.
- National Strategy of Regional Development in 2001–2006, Warsaw, 2000.
- Network of Institutes and Schools of Public Administration in CEE (NISPACEE), Report on Poland; <http://www.nispa.sk/reports/Poland/Part1.htm>

- P. Nicolaides (2000), 'Enlargement of the European Union an Effective Implementation of Its Rules', Maastricht: European Institute of Public Administration.
- OECD (1999), SIGMA – Public Management Profiles of Central and Eastern European Countries: Poland; <http://www.oecd.org/puma/sigmaweb/index.htm>
- Office of Civil Service, Civil Service System; <http://www.usc.gov.pl/en/100/130.html>
- Office of Civil Service, Report of Activities 2000; Gromadzenie i analizowanie informacji o korpusie służby cywilnej; www.usc.gov.pl
- J. Pastwa (2000), 'The Role of the Centre of Government. Reforms in Years 1996–2000 in Poland', OECD seminar "Government Coherence", 6–7 October, Budapest.
- Pełnomocnik Rządu do Spraw Negocjacji o Członkostwo RP w Unii Europejskiej (2001), *Zrozumieć negocjacje*, Chapter: 'Polityka społeczna i zatrudnienie', Kancelaria Prezesa Rady Ministrów, Warsaw.
- Phare (2000), *Evaluation of Phare Programmes in Support of EU Integration and Law Approximation*. Final report – Poland, May.
- Poland's Position on Regional Policy Adopted by the Council of Ministers on 23 November 1999.
- Preliminary National Plan of Development 2002–2003, Warsaw, January 2002.
- Preparing Civil Servants for EU: 'The Case of Poland 1998' (prepared by Office of Civil Service International Cooperation Section); <http://www.oecd.org/puma/sigmaweb>
- Presidency Conclusions, Copenhagen European Council Meeting, 21 and 22 June 1993 (SN 200/93).
- Presidency Conclusions, Madrid European Council Meeting, 15 and 16 December 1995 (SN 400/95).
- Presidency Conclusions, Helsinki European Council Meeting, 10 and 11 December 1999, Annex III: An effective Council for an enlarged Union, Guidelines for reform and operational recommendations.
- Presidency Conclusions, Santa Maria Da Feira European Council Meeting, 19 and 20 June 2000 (SN 200/00).
- Presidency Conclusions, Nice European Council Meeting, 7, 8 and 9 December 2000 (SN 400/00).
- Presidency Conclusions, Göteborg European Council, 15 and 16 June 2001 (SN 2000/01).
- Presidency Conclusions, Laeken European Council, 14 and 15 December 2001.
- Rada Ministrów (2000), *Raport w sprawie korzyści i kosztów integracji RP z UE* (Report on Benefits and Costs of Poland's Integration with the EU), Warsaw, July.
- Report on the Institutional Adjustments Needed in Poland to Cope with the Requirements of EU Membership (Raport w sprawie dostosowań instytucjonalnych w Polsce do wymogów członkostwa w Unii Europejskiej), adopted by the Committee for European Integration on 10.04.2002.
- Report on the Realisation of the National Programme of Preparation for Membership in the EU (NPPM), adopted by the Council of Ministers on 20.04.2001.
- Report on the Realisation of the National Programme of Preparation for Membership in the EU (NPPM), adopted by the Committee for European Integration on 22.02.2002.
- SIGMA (ed.) (1998), *Sustainable Institutions for EU Membership*, Paris, October.

- SIGMA (ed.) (1999), *European Principles for Public Administration*, SIGMA Papers No. 27, CCNM/SIGMA/PUMA (99)44/REV1.
- SIGMA (2000), *Public Management Profiles of Central and Eastern European Countries: Poland*.
- A. Szczerbiak (2000), *Public Opinion and Eastward Enlargement. Explaining Declining Support for EU Membership in Poland*, Sussex European Institute, SEI Working Papers No. 34.
- A. Szczerbiak (2001), 'Polish Public Opinion: Explaining Declining Support for EU Membership', *Journal of Common Market Studies*, 1/01 pp. 105–122.
- T. Verheijen (1998), 'The Management of EU Affairs in Candidate Member States: Inventory of the Current State of Affairs', in: SIGMA (ed.), *Preparing Public Administrations for the European Administrative Space*, SIGMA Papers, No.23; SIGMA/PUMA (98)39; pp. 16–40.
- T. Verheijen (2000), *Administrative Capacity Development. A Race Against Time?*, Scientific Council for Government Policy WRR; Working Documents W 107.
- H. Wallace, A. Mayhew (ed.) (2001), *Poland: A Partnership Profile*, Sussex European Institute, OEOS Policy Papers 4/01.
- W. Wessels, A. Maurer and J. Mittag (eds.) (2002), *Fifteen into One? The European Union and Its Member States*, Manchester: Manchester University Press (forthcoming 2002).
- M. Zaborowska (2001), *La réforme administrative et territoriale polonaise dans le contexte européen*, Notre Europe, Septembre.
- J. Zaleski (2000), 'Podział i nakładanie się kompetencji administracji rządowej i trzech szczebli administracji samorządowej po reformie ustrojowej 1999 roku', in: M. STEC (ed.) *Reforma Administracji Publicznej 1999 – dokonania i dylematy*, Instytut Spraw Publicznych, Warszawa.
- R. Zubek (2001), 'A core in check: the transformation of the Polish core executive', *Journal of European Public Policy*, No 8/6, December, pp. 911–932.

LEGAL ACTS:

Constitution of the Republic of Poland, as adopted by the National Assembly on 2nd April 1997.

Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part, established on 16 December 1991 – Układ Europejski ustanawiający stowarzyszenie między Rzeczpospolitą Polską, z jednej strony, a Wspólnotami Europejskimi i ich Państwami Członkowskimi, z drugiej strony, sporządzony w Brukseli dnia 16 grudnia 1991 r. (Dz. U. z dnia 27 stycznia 1994 r.).

Law of 8 August 1996 on the Committee for European Integration (Dz.U.z 1996 r., Nr 106, poz.494).

Resolution on the Office for European Integration; Dziennik Urzędowy KIE Nr 1 (01) from 27/03/2000. Dziennik Ustaw (Official Journal) from 1996 no 106, al. 494 Uchwała KIE from 22.11.1996 on statute of the Committee for European Integration.

Resolution No 53 of the President of the Council of Ministers on the Inter-Ministerial Team for the Preparation of Accession Negotiations, 16/07/1998.

Resolution No 2/96 of the Committee for the European Integration on the regulation of the Committee for European Integration from 22 November 1996 (Uchwała KIE z dnia 22 listopada 1996 r. w sprawie regulaminu KIE), Official Journal of the KIE – Dziennik Urzędowy KIE Nr 1 (0).

Regulation of the Council of Ministers of on enacting of the Government Plenipotentiary for Accession Negotiations with the European Union – Zarządzenie Rady Ministrów z dnia 20.10.2001 r. w sprawie ustanowienia Pełnomocnika Rządu do Spraw Negocjacji o Członkostwo Rzeczypospolitej Polskiej w Unii Europejskiej.

Regulation No 129 of the President of the Council of Ministers of 31 October 2001 on the negotiating team for negotiations for membership of the Republic of Poland in the European Union – Zarządzenie Nr 129 Prezesa Rady Ministrów z dnia 31.10.2001 r. w sprawie zespołu negocjacyjnego w sprawie Negocjacji o Członkostwo Rzeczypospolitej Polskiej w Unii Europejskiej.

Regulation of the President of the Council of Ministers changing the statute of the Office of the Committee for the European Integration (Rozporządzenie Prezesa Rady Ministrów z dnia 14 listopada 2001 r. zmieniające rozporządzenie w sprawie nadania statutu Urzędowi Komitetu Integracji Europejskiej), Dziennik Ustaw Nr 133 — 10457 — Poz.1498 i 1499.

Regulation No. 20 of the President of the Council of Ministers of 11 February 2002 on the National Council of European Integration (Zarządzenie Nr 20 Prezesa Rady Ministrów z dnia 11 lutego 2002 r. w sprawie Narodowej Rady Integracji Europejskiej).

THE MANAGEMENT OF ACCESSION TO THE EUROPEAN UNION: EU-Related Decision and Policy-Making in Hungary

ABSTRACT

This paper outlines the institutional adaptation process of Hungary to EU requirements – from the systemic change until September 2002 – by concentrating on the government level decision-making structures and institutional relations to the EU (with special emphasis on the last government led by Viktor Orbán and the present one led by Péter Medgyessy). The aim of this paper is to give an overview of the evolution of the Hungarian political system and to try to make some assessment of efficiency and EU readiness of Hungary by taking a closer look at the in terms of public administration and its capacity to adopt and apply the *acquis*. This is a relevant issue not only on the eve of accession but also from the perspective of making full membership sustainable after accession. The paper is based on the assumption that there exists no clear-cut administrative model within EU member states that would be worth “copying” for candidate countries. Therefore the conclusion can be drawn that the present system (even if marked by some weaknesses) would seem to enable Hungary to comply timely and efficiently with EU requirements.

In the first part of the paper these reflections are put in a broader context; special attention is given to the establishment of Hungary’s constitutional and political

system, the major characteristics of the Hungarian public administration and other ‘background variables’ which might greatly influence the development and “Europeanisation” of the Hungarian public administration. The paper then continues with the analysis of the Hungarian EU-related decision-making system and describes the structures and the key actors within it. Assessment of the performance of the Hungarian public administration from the point of view of EU readiness is given at the end of the chapters as well as in the concluding chapter.

1) HISTORY AND POLITICAL PRIORITIES OF HUNGARY’S EU ACCESSION PROCESS

As early as in the 1970s Hungary signed some specific trade agreements with the then EEC and in 1988 concluded the Trade and Cooperation Agreement, which meant a qualitative leap in the bilateral relations between Hungary and the European Community. After the systemic change in 1989/1990, Hungary – just like the other

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post-socialist countries – turned to the Euro-Atlantic institutions with the aim of gaining full membership. This has been all the more important as Eastern European „integration” institutions (COMECON and Warsaw Pact) ceased to exist by the end of 1991. The new democracies started to look for new anchors in political, security and economic terms.

Becoming a full member of the European Union has been a top priority of Hungarian foreign policy practically since 1990, regardless of the composition of the government. The regular opinion polls show that the majority of Hungarian citizens support (and has always supported) this goal. According to latest polls¹ 2/3 of the Hungarian population would vote yes in a referendum about membership, and only 9 per cent would be against. With those data Hungary is among the most pro EU membership candidate states. This is all the more important that in all likelihood Hungary will organise a decisive referendum (not a consultative one) next year, after the Accession Treaty shall be signed.

Hungary signed the Association („Europe”) Agreement with the EC in December 1991 as the first country from the region together with Poland. Thus, Hungary enjoys associated status with the EU since 1994, while the Interim Agreement on trade liberalisation already came into force in 1992.² On the 31st of March 1994, Hungary submitted its application for full membership in the EU to which the European

Commission replied with the sending out of a questionnaire³ in April 1996. Based on the answers, the Commission elaborated its opinion concerning Hungary (and all other applicant countries) and proposed to the Luxembourg European Council (December 1997) to start negotiations with Budapest, among others.⁴ Thus, the negotiations were opened the 31st of March 1998 and the *acquis* screening process started at the end of April, while in parallel the negotiations on the terms of accession were launched in November 1998. According to the official plans and timetables, these negotiations could be finished by the end of 2002.⁵

All this demonstrates that since 1992 Hungary has established institutional relations with the EU via the Association institutions (joint Association Council, Association Committee, Association Parliamentary Committee) and seems to be on an irreversible path towards gaining full membership in 2004.

The Copenhagen European Council in June 1993 gave green light to the possibility of Eastern enlargement and concluded that a European country wishing to accede to the EU must fulfil the following criteria: It must have stable democratic institutions, must respect human and minority rights, must have a functioning market economy (able to withstand internal market competition), and must have reached a satisfactory degree of legal harmonisation. The Madrid European Council in December 1995 added a last criterion: the ability of applying the *acquis* via institution-building, indispensable for a would-be full EU member state (institutional readiness).

In this paper the compliance of Hungary with the first and third Copenhagen criteria, specifically the management of EU

¹ Conducted in 2002 by the GfK Hungária Research Institute. For a detailed, comparative analysis see: European Commission (2001), ‘Applicant Countries Eurobarometer 2001’. http://www.europa.eu.in/comm/public_opinion/cc eb/aceb20011_summary.pdf

² Rácz, Margit (1995), ‘Economic Aspects of Hungarian-EC Association: Improvements in Trade but Little Assistance to Transformation’, in: Lippert, Barbara – Schneider, Heinrich (eds.), ‘Monitoring Association and beyond The European Union and the Visegrád States’, Bonn, pp. 177-185; Inotai, András (1995), ‘Economic Impact of the Association Agreement: The Case of Hungary’, in: Lippert, Barbara – Schneider, Heinrich (eds.), ‘Monitoring Association and Beyond The European Union and the Visegrád States’, Bonn, pp. 295-325.

³ European Commission (1996), ‘Questionnaire Hungary: Information Requested for the Preparation of the Opinion on the Application for Membership of the European Union’, Brussels.

⁴ European Commission (1997), ‘Opinion on Hungary’s Application for Membership of the European Union’, Brussels (DOC/97/13).

⁵ As endorsed by the European Council in Gothenburg and Laeken during 2001.

affairs by the Hungarian central administration will be described and analysed. This is crucial due to the fact that the EU is a legal Community where the public administrations of member states take an active part in the implementation of EU decisions and may also be involved in the preparatory phase of decision-making. Thus, looking at the performance of the Hungarian public administration is important from both aspects: for the analysis of compliance with the accession criteria before, and the readiness of taking an active and efficient part in the decision-making and smooth implementation of the *acquis* after entering the EU. The latter aspect will be highlighted by hinting to the Program of Functioning as a member state adopted by the government in September this year.

2) STRUCTURE AND REFORM OF THE HUNGARIAN PUBLIC ADMINISTRATION

2.1. The Hungarian political system and state administration – Strengthened stability

The Constitution of Hungary prescribes the separation of powers in the country's democratic system and lays down basic rules of government and public administration. Hungary has still no newly created Constitution: the present one is based on the Constitution of 1949 (XX/1949), as substantially modified by Act XXXI/1989 and several times thereafter. There is an ongoing revision process which could result in a new Constitution. This process is accelerated this autumn as Hungary's full membership of the EU nears, since EU membership will itself impact on the Constitution of

Hungary given the partial transfer of sovereignty of the Hungarian state to the EU.⁶

The Hungarian Republic is a parliamentary democracy with a strong Prime Minister and a rather weak position of the President.⁷ Both the Prime Minister and the President are elected by the Parliament. The Parliament is composed of one chamber with a mixed electoral system, which means that candidates can become MPs either by winning in a constituency or through party lists. The major task of the Parliament is of course adopting laws which might be proposed by the President (very rare), by the government, by any parliamentary committee or any individual member of the Parliament.

Concerning the potential reform of the legislature there are two aspects debated recurrently. The question is on the one hand, if the disproportionately high number of MPs (386 for a country of 10 million inhabitants) should be cut back? On the other hand, should a second chamber be created? Who would sit in such an "upper chamber" or "senate"? The national minorities (Roma, Slovaks, Rumanians, Germans, *etc.*), the social partners, the regions? Such changes too would require amendments of the Constitution.

After the third free elections (held in 1990, 1994 and 1998) the position of the Prime Minister has been strengthened by Viktor Orbán whose party was the main part of a centre-right coalition composed of FIDESZ-MPP (Alliance of Young Democrats-Hungarian Peoples Party), FKGP (Independent Smallholders' Party) and of MDF (Hun-

⁶ Vastagh, Pál (2002), 'A magyar alkotmányfejlődés jellemző vonásai, különös tekintettel az európai uniós integrációra' (Features of the Hungarian Constitutional Development with Special Regard to European Integration), *Európa 2002*, II/4.

⁷ For description of the Hungarian political system see among others: Ágh, Attila – Kurtán, Sándor (eds.) (1995), 'Democratization and Europeanization in Hungary: the First Parliament (1990-1994)', Hungarian Centre for Democracy Studies, Budapest; Ágh, Attila (1994), 'Hungary: The Politics of Transition', Cass, London; Schmidt, Mária – Tóth Gy. László (eds.) (1999), 'Transition with Contradictions: The Case of Hungary 1990-1998', Kairosz, Szentendre.

garian Democratic Forum). As a result of the fourth free elections (held April 2002) the present Hungarian government is composed of the MSZP (Hungarian Socialist Party) and SZDSZ (Alliance of Free Democrats).

The government in Hungary is composed of the Prime Minister, ministers with and ministers without portfolio, as well as of the Minister of the Prime Minister's Office (PMO) – or the “Chancellery” (modelled on the German system). The heads of the different state authorities⁸ are not part of the government. The number of ministries has changed over the last decade. Under the Orbán government there were 15 ministries (as well as two ministers without portfolio), under the Medgyessy government there are equally 15 although structured differently (and with no minister without portfolio). (*Table 1-2.*)

As a rule, the minister of the Chancellery represents the public administration. Together with the Prime Minister the Orbán government was composed of 18 while the Medgyessy government is composed of 16 persons.

The Hungarian Parliament lists the ministries in an Act. The government regulates the competencies and responsibilities of the ministers as well as the coordination of work among them in a government regulation. The minister heads the ministry, the structure of which is laid down in the ministry's own statute. The state secretaries and deputy state secretaries assist the minister in his/her work. The political state secretary is appointed by the government. As “deputy ministers” they may represent the minister before the Parliament (which means he/she can fully represent the minister during plenary and committee meet-

⁸ Such as the Central Statistical Office, Hungarian Office of Patents, Office of Economic Competition, Office of National and Ethnic Minorities, Office of Hungarians Abroad, Public Surveillance of Financial Institutions, Surveillance of Gambling, Directorate General of Pensions, or the Social Security Office. The task of these institutions is set out by the government and each is supervised by one of the ministers.

ings), while on government meetings the political state secretary may be present without voting rights.

Tables 1-2
Ministries in Hungary under
the Orbán government

Area	Ministry
Economic issues	Ministry of the Economy Ministry of Finance Ministry of Agriculture and Rural Development Ministry of Transport and Water Management Minister of PHARE programs (without portfolio)
Human and social issues	Ministry of Social and Family Affairs Ministry of Public Health Ministry of Environment Protection Ministry of Education Ministry of National Cultural Heritage Ministry of Youth and Sport
Traditional state governance issues	Prime Minister's Office Ministry of Foreign Affairs Ministry of Interior Ministry of Justice Ministry of Defence Minister of the National Secret Service (without portfolio)

Ministries in Hungary under
the Medgyessy government

Area	Ministry
Economic issues	Ministry of the Economy and Transport Ministry of Finance Ministry of Agriculture and Rural Development Ministry of Informatics and Telecommunication
Human and social issues	Ministry of Employment and Labour Policy Ministry of Public Health, Social and Family Affairs Ministry of Environment Protection and Water Management Ministry of Education Ministry of National Cultural Heritage Ministry of Children, Youth and Sport
Traditional state governance issues	Prime Minister's Office Ministry of Foreign Affairs Ministry of Interior Ministry of Justice Ministry of Defence

Source: <http://www.ekormanyzat.hu>

The administrative state secretary is appointed for an indefinite period and is responsible for the internal organisation of the ministry. He/she may represent the minister in his/her absence and in the absence of the political state secretary, except for the parliamentary plenary sessions.

The administrative state secretary has 3-5 deputy secretaries, according to the ministries concerned. They are appointed by the minister upon the proposal from the administrative state secretary. The deputy state secretary heads the general departments subordinated to him/her. Division of tasks among the deputy state secretaries is organised according to the internal structure of the ministry. General departments may be subdivided into departments. In the ministries there is also a separate secretariat for parliamentary relations.

The size of a ministry in terms of officials varies between 163 (Ministry of Youth and Sport) and 1655 (Ministry of Foreign Affairs). The average size being 300-600.⁹

Besides the legislative and the executive, the judiciary as the third branch of the state defends and guarantees the constitutional order and the rights of the citizens, provides for punishment in criminal cases and supervises the legality of acts of the public administration. It functions at three levels: the Supreme Court, the courts of the capital and of all counties, and the local and labour courts.

The European Commission acknowledges the institutional stability of democracy in Hungary,¹⁰ an appraisal also shared

⁹ According to data of the Ministry of Interior (supplied upon personal request) in the second quarter of 2001 there were some 7240 officials working for the 15 ministries.

¹⁰ „In its 1997 Opinion the Commission concluded that Hungary fulfilled the political criteria. Since that time, 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.” European Commission (2001), '2001 Regular Report on Hungary's Progress towards Accession', Brussels, 13. 11. 2001, SEC(2001) 1748, p. 24.

by academic experts.¹¹ Thus, Hungary is regarded as an institutionally consolidated country as far as the basic requirements of checks and balances, separation of powers and regular elections are concerned.

2.2. The local and regional administration – Reinforced independence?

The Hungarian Republic is traditionally a unitary state containing 19 counties and the capital, Budapest. There are 3158 local self-governments.

After the systemic change from a socialist regime towards a democratic political system one of the leading principles of the young Hungarian democracy was to give as much freedom to local governments as possible while weakening the functions of the counties (claimed to have served the interests of the Communist Party in the past). Today, the result is that in legal terms the county and the municipality are practically on the same level in the public administration system. This liberal approach (similar to the British or the Scandinavian model) led however to the fragmentation of the regulatory and planning functions of municipalities and to the lack of coherence in regional development.¹²

This problem was addressed when the first government established the so-called Commissioners of the Republic to supervise the legal and functional activities of the local governments. In 1996 the system of the Commissioners of the Republic was abolished and their tasks were re-located to the newly organised organs called Offices of County level Public Administration (for the capital and the counties). The heads of these offices

¹¹ See for example the Political Yearbook of Hungary (Magyarország Politikai Évkönyve, Demokrácia Kutatásokért Alapítvány, Budapest, Year) appearing every year and containing the analyses of Hungarian experts with summaries in English.

¹² Szabó, Gábor (1994), 'A dekoncentrált állami közigazgatás aktuális elméleti és gyakorlati kérdései' (Current theoretical and practical questions of deconcentrated state administration), *Info-Társadalom-Tudomány*, 31.

are appointed by the Prime Minister upon the proposal of the Minister of the Interior and the Minister of the Chancellery.

Besides the functions of the counties (which mainly enjoy some coordinative functions and manage the institutions in their scope: such as schools, high schools, hospitals *etc.*), the state established so-called deconcentrated organs representing different administrative and functional tasks of ministries or state authorities.¹³

Primarily with a view to Hungary's preparations for EU membership but also by dint of strengthening democratic values, designing regions became a high priority in the state administration reform. First, the Law on Regional Development and Physical Planning (XXI/1996) was adopted in 1996 – thanks to which the institutions of regional development policy have gradually been set up throughout Hungary. The key players are the Territorial Development Councils at county (NUTS III) levels and the Regional Development Councils at regional (NUTS II) levels.¹⁴

The Territorial Development Councils (TDCs) are not directly elected bodies. Members are the chairman of the county assembly, the mayors of the towns with county rights, representatives of the ministries concerned, the representatives of the local chambers, the representatives of the associations of local governments (established for development purposes) and the representatives of the social partners at county level. The major tasks of the county level TDCs are to monitor and analyse the socio-economic situation of the county, in this light to draw up and adopt the county's long term devel-

¹³ Among those are the county public administration offices, agricultural offices, county offices of veterinary, county offices for plants and land protection, land registration offices, public health authorities, labour offices, taxation authorities, or offices of transport supervision – operating at county scale. Other deconcentrated state administration organs cover a greater territory than that of the county, or they cover a special territorial unit, *e.g.* environmental authorities, nature protection and national park offices, measurement authorities, telecommunication authorities.

¹⁴ For details see: Regions of Hungary: <http://www.rda-ceda.net/partners/hungary/hungary-gi.html> (February 2002).

opment concept and programme, to provide the necessary resources for those plans and to decide on the use of the available resources. All TDCs have established their Territorial Development Agencies, being responsible for the preparation and implementation of regional development concepts and programmes adopted by the TDC. Thus, despite the controversial relationship between the government and the counties, the latter were kept as a reference administrative level for regional policy not least because this is a level with long traditions and well functioning institutions.

At the same time the regional level (NUTS II) was created in order to be able to manage development plans exceeding the dimensions of a county.¹⁵ According to the law, 7 regions have been specified in Hungary: Western-Transdanubia, Middle-Transdanubia, South-Transdanubia, Central Hungary, South-Great-Plain, North-Great-Plain and Northern Hungary. Each region contains three counties, except for Central Hungary which is composed of the capital and Pest county. The amendment (1999) of the Law on Regional Development defined these 7 regions as territorial units to be eligible for the Structural Funds of the EU. Bearing this in mind the Regional Development Councils at regional level had been set up by the end of 1999 and they also have created their respective Regional Development Agencies. The latter institutions will play an eminent role in coordinating the interests of the member-counties of the given region, bringing together their representatives and mediating among them.

2.3. Characteristics of the Hungarian public administration

2.3.1. Heritage of the past and recent developments

¹⁵ Horváth, Gyula (1998), 'Az európai regionális politika' (European Regional Policy), Dialóg-Campus, Budapest–Pécs.

The Hungarian public administration system has long and important European traditions acquired especially under the Austro-Hungarian Monarchy.¹⁶

During socialism the public administration was controlled by the Hungarian Socialist Labour Party (MSZMP). This meant that strategic decisions concerning different portfolios were taken inside the Party (via its special sectoral committees) hand in hand with the Office of Economic Planning. The ministries simply had to implement these decisions. Inside the ministries, the so-called party secretaries were ranged on nearly equal footing with the minister. After 1989 a radical change took place: the making of strategic decisions (in the framework of laws) was shifted to the Parliament while inside the government the ministers regained their own competencies regarding their specific area of responsibility (mainly proposing and implementing laws). Thus, the democratic balance between legislation and execution was restored.

After the systemic change following the collapse of the socialist regime, settling the status of civil servants was one of the first concerns when building up the institutions of the young democracy: the Act on the Legal status of civil servants was adopted in 1992 (XXIII/1992). The aim was to reinforce the status of civil servants by ensuring the “carrier type” system that provides an in-built promotion possibility for civil servants.¹⁷ The system however is

not free from political influence: after every new election the incoming governments changed the civil servants on the higher posts (from heads of general departments up to the state secretary level). Therefore, in Hungary the ‘carrier type’ system of civil service is loosened by the ‘employment type’ system meaning that different higher-ranking, non-political posts may be filled with people from “outside” (backed by the ruling coalition).

An amendment of the said Act was adopted in 2001 and entered into force on the 1st of July 2001. The amended law raises the professional and ethical requirements of civil servants and puts emphasis on their accountability and incorruptibility. In exchange, the Act ensures higher remuneration, and predictable promotion system, and creates the status of top-level civil servants too. Here the aim was to build up a layer of some 300 highly qualified top civil servants able to „prepare complex social-policy and administration alternatives for the government, taking into consideration even the most complicated macro-level relations and to manage the state and public administration issues related to EU integration from a system-driven perspective.”¹⁸ The creation of these prestigious posts might also have the positive consequence of protecting the position of the highest-ranking civil servants against political fluctuation and corruption.

Obviously, European integration efforts played and still keep on playing a crucial role in the modernisation of the Hungarian public administration system at national, regional, and to some extent at local levels. In this sense Hungary and the other post-socialist countries had the advantage of launching modernisation with full commitment to adjusting to Western European norms, thus, guidance from OECD/EU was

¹⁶ After the Compromise of 1867, during the so-called Dualism foreign affairs, defence and financial affairs were shared competencies between Austria and Hungary. This meant a strong institutional intertwining and compliance of the Hungarian central administration with Austrian standards. This had an important impact on the structure of ministries, on the carrier system, handling of dossiers, internal discipline and mentality of the bureaucrats in general. See for example: Somogyi, Éva (1996), ‘Kormányzati rendszer a dualista Habsburg Monarchiában’ (Governance in the dualist Habsburg Monarchy), História Könyvtár, Budapest.

¹⁷ Dudás, Ferenc – Hazafi, Zoltán (2000), ‘A közigazgatást és annak személyi állományát érintő harmonizációs törekvések iránya’ (Direction of Har-

monisation Efforts Related to the Public Administration and Its Personnel), *Magyar Közigazgatás*, 2000. január, L./1.

¹⁸ National Programme for the Adoption of the Acquis, Chapter B.1. <http://www.kum.hu/euanyag/NPAA/ANPfinal0705/Public%20Administration.html> (February 2002).

easier to accept and adopt. Of course, not only structures are reformed and new laws adopted, but human resources also had to be „upgraded”. As will be discussed later, training of Hungarian officials in EU affairs became not only a high priority of the modernisation of public administration but also a reality appreciated by the EU institutions too.

After 1989, as was the case in other countries of Central and Eastern Europe, the reform of the whole public administration was a three-stage process.¹⁹ In the first phase the initial reform aimed to establish the basis for democracy, rule of law and the creating of an adequate framework for a liberal approach to economy and society. The second phase consisted in the consolidation of the system and further continuous adjustments to OECD/EU norms given the opening up of these countries towards the developed world. The third stage has already started parallel to the EU association process, but accession negotiations and the preparations for full EU membership have accelerated the institutional adaptation to European requirements at national as well as at regional and local levels of the public administration.

All this did not lead to a creation of a brand new public administration, but to a gradual adaptation of the existing system in which basic internal structures of ministries were maintained and many well-trained civil servants remained in their place also after the systemic change. Major changes, as it was mentioned, were related to the status of the ministries themselves. After 1990 some changes to the entry requirements occurred: besides a higher education diploma, the passing of exams on civil service is required. New administrative units (departments, offices or state secretariats) carrying responsibility for EU relations have been created. The changing concepts of the different governments also gave rise to the rather frequent re-organisation

of the ministries reflecting the given government's own priorities.

2.3.2. Hungarian public administration in figures²⁰ – at a glance

In Hungary more than 8 per cent per cent of the population is employed by the state but as it is illustrated below, there are different categories within such a status. The number of civil servants (112 000) might seem surprisingly high (especially compared to the Polish situation) and this can be explained by the fact that the category of civil servant is extended beyond the core central administration to other public administration organs, and that even the lowest level desk officer is hired under the Civil Service Act. The gender composition of the civil service is also interesting: while there is a clear dominance of women in general, the share of women and men on higher posts is evened out. While every 6th man in the service is high-ranking, only every 15th of the ladies reaches the same degree.

Table 3
Employees of the state
(rounded figures)

Civil servants	112 000
Public employees	579 000
On duty	90 000
Judiciary	11 000
Public workers	26 000
<i>Total</i>	<i>818 000</i>

Table 4
The share of employees of the state according to sectors

Public administration, Defence, Social security	291 500
Education	248 000
Public health, social services	209 500
Other	69 000
<i>Total</i>	<i>818 000</i>

Table 5
The share of women and men in the civil service

Men	33 204 (29,7%)
Women	78 542 (70,3%)
<i>Total</i>	<i>111 746 (100%)</i>

¹⁹ PECAT Foundation (1998), 'Assistance to Public Administration Reform in Central and Eastern Europe', Warsaw.

²⁰ The data represent the situation in the first quarter of 2000 and stem from the Central Statistical Office and the Ministry of Interior.

Table 6
The share of high-ranking women and men in
the civil service

Men	5650 (52,3%)
Women	5150 (47,7%)
<i>Total</i>	<i>10 800 (100%)</i>

Table 7
Share of civil servants according to institutions

State administration	66 653 (60%)
Local governments	42 988 (38%)
Non-governmental organs	1 704 (1,7%)
Public bodies	169 (0,1%)
Other	232 (0,2%)
<i>Total</i>	<i>111 746 (100%)</i>

2.4. Public administration reform: Tendencies with a view to EU accession

The Hungarian strategy for the internal preparations for EU membership is based on four pillars:²¹ (1) establishing the grounds for macroeconomic stability and sustainable, long term growth; (2) (in parallel to the adoption of the *acquis*) the creation of necessary institutional capacities; (3) training and re-training of civil servants with special regard to EU knowledge and EU languages (accompanied by the training of judges and translators); and finally (4) preparing the public for EU accession (communication strategy). The realisation of these priorities is dealt with in the National Programme for the Adoption of the Acquis²² (NPAA), where one chapter is dedicated to the public administration reform in connection with applying the *acquis*.

Ever since the systemic change, the aim of public administration reform was to create an efficient and transparent state and local administration system serving the citizens. According to the NPAA 2000: "In addition to the large structural reforms, the government considers it important to gradually raise the efficiency of public administration to EU standards. To this end the

government wants to further improve the quality of work, especially at the level of strategic preparation of government decisions, the coordination and implementation of decisions and reliable monitoring of implementation in order to promote good government."²³ These principles become even more important when it is taken into account that with EU membership, a large amount of decisions will be taken at supra-national level and that the EU can be perceived as a system of multi-level governance.²⁴

The respective government decision (1052/1999) concentrated on four fields: (A) development of the national and regional public administration (the strengthening of the Prime Minister's Office and its eminent role in coordinating regional government offices is the pre-eminent example of this); (B) reform of local administration (including the public administration offices); (C) the modernisation of the information system of the public administration; (D) the support for a life-long career system for civil servants (backed up by a significant wage increase).

A) Reform of the national/regional public administration

The reform of the state administration is based on the principles of deregulation (abolishing competence where state administration is not necessary and can be settled with other means) and decentralisation (state administration tasks to be carried out as close to the citizen as possible and relegate competencies to local levels where possible).

As regards the ministries the aim is to relieve them of some specific public administration tasks, so that they can concentrate more on strategic planning, coordina-

²¹ <http://www.kum.hu/euanyag/felkeszules/felkstrat.html> (February 2002)

²² http://www.mfa.gov.hu/euanyag/NPAA/Chapters2000/c/Public_Administration.htm; p. 1. (February 2002).

²³ Ibid.

²⁴ Cf.: Marks, Gary – Hooghe, Lisbet – Blank, Kermit (1996), 'European Integration from the 1980s: State-Centric v. Multi-Level Governance' *Journal of Common Market Studies*, 34, 3, pp. 341-378.

tion, information, supervision and legal regulation tasks.

The intransparent system of deconcentrated organs and their divergent methods of operation are also under revision.

One of the self-set tasks of the government is the examination of opportunities to move regional public administration to regions rather than to counties. The tendency is twofold: administrative as well as authority-type functions are being either decentralised from the centre and similar tasks are shifted from the counties to the regions²⁵ and some of the regulatory competencies are being delegated from the counties (county public administration offices) to local governments (town clerks of municipalities).

The procedural rules of public administration will also have to be reviewed not only in order to enhance efficiency and transparency but also to ensure legal remedy against violation of the law, or in case of non-compliance with Community law after accession.

B) Reform of local administration

In practice the system of local democracy has proved to work well during the past decade, but the financing of local governments should be revised (the aim is to leave more local income for them²⁶). Also the fragmentation of regulatory tasks should be prevented (e.g. every local government has the right to issue certain environmental rules) and the “functional association” of smaller municipalities should be further encouraged (via integrated territorial development programmes) in order to be able to benefit adequately from pre-accession funds

²⁵ If this development continues, it might become possible to transform the development/statistical regions into “real” electoral regions. Thus, the establishment of functional regions will precede the potential establishment of democratic regions.

²⁶ The Medgyessy government is committed to further improve the situation of local governments and to render their financial position more solid and sustainable.

and, upon membership, from the Structural Funds.

C) Modernisation of the information system

Modern telecommunication and information technology greatly enhances the efficiency of public administration. Launched by the Horn government and continued by the Orbán and Medgyessy governments the “electronisation” of public administration has advanced very well. To date every civil servant, and secretary, has their own computer. These computers are linked together in an internal network as well as in a very secure closed governmental network embracing the Chancellery, all ministries and state authorities. This network is primarily used for correspondence. Every ministry and state authority has by now built up its database and is connected to their territorial offices. Internet access is provided for without saying. Furthermore, the continuous training and re-training of civil servants in information technology has become an obligation. To this end the government has set up an IT Training Centre.

D) Enhancing the prestige of civil service, training of civil servants

As the NPAA 2000 put it, “...the human factor plays a decisive role in expanding the capacity of public administration. (...) The requirements for public servants must be revised so that promotion and job security are based on professional skills and the continuous assessment of effectiveness and performance.”²⁷

Hungary has a Faculty of Public Administration at the Budapest University of Economics and Public Administration²⁸ that educate future public administrators and

²⁷ http://www.mfa.gov.hu/euanyag/NPAA/Chapters2000/c/Public_Administration.htm; p. 2. (February 2002).

²⁸ The formerly independent College of Public Administration merged with the Budapest University of Economics in 2000.

civil servants. In practice, however, Hungarian civil servants enter the service with very different diplomas. This will not change in the foreseeable future, but the government has introduced a new training and re-training system ensuring a permanently high level of knowledge of civil servants especially with regard to EU requirements.

Furthermore, a separate government resolution of December 1998 is dealing with the training system for civil servants and provides for a "Training Academy" (in fact it is run by the Hungarian Institute for Public Administration under the Prime Minister's Office), which is the key institution regarding the content of the training seminars and the examinations. The aim of the training is to prepare the personnel of the public administration for managing European affairs within Hungary (while training of officials to work in EU institutions is to be launched soon). By mid-2001 special exams on EU administration have been passed successfully by 14 000 officials. The so-called basic exam on public administration (to become a civil servant) was extended to include EU studies too. Such basic exams have also been passed by 14 000 people. At local level too, EU training is taking place successfully, according to plans.²⁹

In parallel, EU training of judges and translators is also proceeding in Hungary. Hungary is open to learn from its EU partners as the country is beneficiary of the PHARE Twinning programme³⁰ as well as of

OECD/PUMA and OECD/SIGMA programmes.³¹

In order to enhance the prestige of EU affairs, in 1998 the government decided to regularly transfer funds from the state budget to the ministries to improve their capacities to deal with EU matters. New posts were created everywhere in the field of EU administration as EU departments have been enlarged. Furthermore, these posts were made attractive for young professionals. University students have the opportunity to receive a special EU scholarship (if they are fluent in English and French) in return for working in the civil service after graduation. By now the prestige of working at an EU department in the public administration is obviously higher than that of the civil service in general, and "a strong commitment towards the implementation of EU accession can be observed in the core civil service."³²

The NPAA was revised and rescheduled in 2001³³ operating with a target date of our EU entry in 2004, thus, listing the remaining tasks to be completed by the end of 2003. Here emphasis is put on institution building especially in the following five sectors. Agriculture: establishment of Payment Agencies, setting up of the SAPARD Agency and the accompanying institutions necessary for rural development. Regional policy, cohesion: creation of central, regional and local institutions necessary for planning, programming and managing EU conform regional development. Environment: establishment/development of different authorities (with testing, controlling,

²⁹ <http://www.kum.hu/euanyag/NPAA/ANPfinal0705/Public%20Administration.html> (February 2002).

³⁰ Hungary benefited from 23 Twinning projects between 1997-1999 of which 13 have been completed and 8 additional programmes have been launched under PHARE 2000. These projects provided assistance among others in the field of agriculture, environment, regional development, social policy, customs and fight against drugs. The 2001 PHARE Twinning projects (18 altogether) focus on energy, market surveillance, agriculture, social dialogue, environment, justice and home affairs, regional policy. These projects primarily support the compliance with the Accession Partnerships where national priorities of preparations for EU membership are laid down. See: European Commission

(2001), '2001 Regular Report on Hungary's Progress Towards EU Accession', Brussels, 13. 11. 2001, SEC(2001) 1748; p. 12.

³¹ For information on SIGMA/PUMA initiatives regarding Hungary see: <http://www1.oecd.org/puma/country/hungary.htm> (March 2002).

³² Jenei, György (1999), 'Civil Services and State Administrations (CSSA) Country Report: Hungary', <http://www1.oecd.org/puma/sigmaweb/acts/civilservice/countrypapers/Hungary99.pdf>, p. 31. (February 2002).

³³ National Programme for the Adoption of the Acquis <http://www.kum.hu/euanyag/eumagyar2002/osszefoglalo.htm> (May 2002)

monitoring, measuring, registration and data providing capacities). Justice and Home Affairs: reinforcement of border control, development of institutional and technical capacities related to immigration and asylum, as well as to fight against organised crime and terrorism. Employment and social affairs: development of institutions necessary for the application of EU employment, social and health policy/standards.

These tasks must be completed during 2002-2003. The NPAA contains the demand of personnel in the mentioned fields. According to calculations in the central public administration there is a need of additional 7290 persons, 41 per cent of which should be met in 2002, 59 per cent of it in 2003. 81 per cent of this demand is concentrated in justice and home affairs (4000), agriculture (1252), and employment/social policy (649). The figures for regional policy are not settled yet (estimations go to 100-300 depending also on the new government's plans). The NPAA of course contains the costs necessary for the completion of the legal harmonisation and institution building tasks and indicates the responsible institutions (ministries, state authorities, *etc.*) and the deadlines.

2.5. Assessment of the "administrative transformation" in Hungary

Since the systemic change the Hungarian public administration has undergone important changes. With democratisation the ministries regained their key role in preparing decisions and implementing them. The structures of ministries did not change dramatically, the most important changes being the abolishment of Party Secretariats and the creation of new administrative units dealing with international relations – primarily with European affairs.

In terms of staff the political changes first led to a significant brain drain from the low-paid civil service to the high-paid private sector coupled with an initial limitation of staff under the first government. Later

on, the civil service gradually regained its prestige thanks to the Law on Civil Service, and especially thanks to the changes previously outlined. Today the civil service is becoming more and more attractive for young well-trained Hungarians, especially in the field of international or EU relations.

EU requirements serve as a guide in the process of public administration reform across all levels (from national level down to regional and local levels).

3) EU-RELATED DECISION-MAKING: ESTABLISHING CAPABLE POLITICAL AND MINISTERIAL STRUCTURES

3.1. Stages of Europeanisation of the Hungarian central administration

Regarding the process of Europeanisation³⁴ of the Hungarian public administration three stages³⁵ can be identified so far. Firstly, relations with the EC have influenced the structure of the Hungarian public administration system ever since the PHARE programme was launched in 1989. During this "pre-stage" of Europeanisation, PHARE Implementation Units were set up throughout the public administration and coordination across ministries regarding the use of PHARE funds became necessary. To this end an Interministerial Committee was created – preparing the public administration for in-

³⁴ Europeanisation can be interpreted as structures built up to manage EU affairs and „resources in time, personnel and money directed by current and future member states towards the EU level.” See: Lippert, Barbara – Umbach, Gaby – Wessels, Wolfgang (2001), 'Europeanisation of CEE Executives: EU Membership as a Shaping Power', *Journal of European Public Policy, Special Issue on executive governance in Central and Eastern Europe*, December 2001.

³⁵ These stages are analysed in detail by Lippert, B.–Umbach, G.–Wessels, W. (2001).

terest-conciliation in the framework of receiving international assistance.

The next stage in this institutional process was the coming into force of the Europe Agreement (officially in 1994, but the Interim Trade Agreement had already entered into force in 1992) when not only the joint association institutions (Association Committee, Council, Parliamentary Committee) were set up but also inside the Hungarian public administration EC/EU units have gradually been created. Until 1996 the coordination of EU affairs was two-centred: dossiers were divided between the Office of European Affairs (OEA) in the Ministry of Industry and Trade (earlier called Ministry of International Economic Relations), and the EU Department of the Ministry of Foreign Affairs. The former dealt with trade, economic, legal, and assistance aspects, while the latter was responsible for the political/diplomatic relations with the EU. This structure necessarily entailed rivalries between the two ministries and diminished the effectiveness of management of European affairs.

The third stage started in early 1996 when answers had to be elaborated to the questionnaire of the European Commission. Providing answers to this extensive questionnaire within only a couple of months required highly efficient internal coordination across the whole public administration. Therefore, early in 1996 the bi-centred system was abolished and the former OEA was integrated into the Ministry of Foreign Affairs where the State Secretariat for (European) Integration was founded, headed by a state secretary. This mono-centred coordination structure proved to be far more efficient since it amalgamated both diplomatic and sectoral expert skills; both needed in modern international relations, especially vis-à-vis the EU. This move not only ensured the highest degree of synergy during the preparations for membership but also helped to overcome rivalries between the two ministries and occasional overlapping of competencies: factors detrimental to efficiency. The Orbán government that came to power in 1998 did not change this

structure – which is another positive feature of the EU-related institutional developments in Hungary. Negotiations on membership and the entry into office of the Medgyessy government further refined this system as it will be described and analysed below.

3.2. Institutional structures and key actors

3.2.1. The key actors and their interaction

Minister of Foreign Affairs

The key person in EU affairs in Hungary is the Minister of Foreign Affairs who is actually directing and coordinating the relations of Hungary to the EU. As the relevant government decree (2179/1998) put it: “The Minister of Foreign Affairs is leading the accession process in its entirety and heads the Hungarian delegation.”

The Minister represents the government in the Association Council and – through the head of the State Secretariat for Integration and Trade of the Ministry of Foreign Affairs – in the Association Committee. Through the State Secretariat for Integration and Trade the Minister has to ensure the harmonised implementation of integration policies, and coordinates governmental activities regarding harmonised preparations for the accession talks.

Additionally, the Minister of Foreign Affairs represents all issues related to the country’s preparations for EU membership to the government as well as to the Parliament.

State Secretariat for Integration – State Secretariat for Integration and Trade

Established by the government decree 64/1996, the State Secretariat for Integration (SSI) was set up within the Ministry of

Foreign Affairs (MFA) in 1996 and remained practically unchanged under the Orbán government. Then the structure of the SSI was slightly modified under the Medgyessy government since external economic relations were also added to this administrative unit. Thus, in the MFA to date there is a State Secretariat for Integration and Trade (SSIT).

Formerly the SSI, now the SSIT was/is responsible for the coherence of the whole European integration policy of Hungary, both internally and externally. All proposals for EU-related decisions must be tabled jointly with the Head of the SSIT. The SSIT is actually the key institution in the whole EU-related decision-making machinery. It is a coordination organ covering all aspects of Hungary-EU relations, the negotiation chapters as well as the fields of preparations for membership. This practically means that the SSIT is equipped with civil servants able to coordinate dossiers of all kinds but does not deal directly with sectoral issues.

Under the Orbán government the SSI (see: Graph 1) was divided into two sets of departments headed by two deputy heads of the SSI. The heart of the SSI was the General Department for EU Coordination which was actually „coordinating the coordinators” of the SSI (about 80 officials) and provided for secretariat of the Negotiating Delegation, the Interministerial Committee for European Integration and the European Integration Council.

Under the Medgyessy government the SSIT (see: Graph 2) is also subdivided into two sets of departments: external trade and integration – and only the latter is directly involved in EU matters (including EU trade policy), while the former is dealing with all remaining aspects of Hungary’s external economic relations. Directly subordinated to the head of the SSIT are two departments: the mentioned General Department for EU Coordination with the same responsibilities as earlier, and the EU Communication and Public Relations Department. On the other hand the Department for EU Political Cooperation was removed from the SSIT to the

administrative unit of the Territorial Departments of the MFA.

Negotiating Delegation

The official screening and negotiation positions of Hungary are presented to the EU by the Negotiating Delegation (ND) headed by the Minister of Foreign Affairs. He is seconded by the Head of the SSI, now SSIT who is responsible for preparing the positions of the Hungarian government during the negotiations, he organises the work of the ND, provides for its secretariat, and coordinates the different internal interests. The third key-figure at this top level is the Head of the Hungarian Mission to the EU in Brussels. As the Chief Negotiator, he is the operative leader of the negotiations and substitutes for the Minister of Foreign Affairs during inter-governmental negotiations at COREPER level. Furthermore, the ND is composed of 12 permanent members: the Deputy Director for Integration Affairs of the SSIT and ten high ranking civil servants representing the following ministries/institutions: Ministry of Finance, Justice, Interior, Economy and Transport (2 representatives), Agriculture and Rural Development (2 representatives), Environment Protection and Water Management, as well as the National Committee for Norms and Standards. Additionally, the Political State Secretary of the Chancellery and the Vice-President of the Hungarian National Bank are involved in the work of the ND. The Negotiating Delegation is rather a formal body which meets only occasionally, when national interests so require. Then they meet in Budapest, but (despite the name) they never go to Brussels together. The key role is played by the Minister of Foreign Affairs, by the Head of SSIT and by the Chief Negotiator.

Interministerial Committee for European Integration

Governmental coordination is provided by the Interministerial Committee for European Integration (ICEI, established by the

government decree 1093/1994) under which subcommittees exist. The ICEI is composed of state secretaries, deputy state secretaries (or heads of general departments) of ministries and the Chef de Cabinet of the National Secret Service. Among the permanent invitees are the Administrative State Secretary of the Chancellery, the Director of the Office of Economic Competition, the Director of the Central Statistical Office and the Director of the Customs Office. Chaired by the Head of SSIT the ICEI is subordinated to the government (via the Minister of Foreign Affairs) and has its secretariat at the General Department for EU Coordination of the SSIT.

The ICEI is a consultative (not a decision-making) forum in its own right. By mobilising all the relevant actors of the national public administration, the major task of the ICEI is to discuss the preparations of all EU-related government decisions among the ministries and to provide a forum of interministerial cooperation. In order to be able to complete the tasks delegated upon it, the ICEI established special interministerial working groups elaborating cross-ministerial proposals.

The former working groups of the ICEI were transformed in 1998 into expert groups (EG) organised on the basis of the *acquis* chapters (29) for conducting the screening/negotiations process. The EGs are headed by expert civil servants of the line ministry (according to topics) and are composed of experts of other ministries concerned as well as of experts from the so-called ministries with horizontal responsibilities (Ministry of Finance, Justice, and Foreign Affairs). The ICEI used to meet more frequently during the screening process accompanying the 77 screening rounds. Presently the ICEI meets less frequently (around three times a year) since interministerial communication has become significantly smoother.³⁶

EU departments of ministries

In the Hungarian ministries EU departments have been gradually set up during the last twelve years. By now every ministry has its own EU Department (in its own right, or in some ministries under the International Relations Department). These units have an important coordinating role within the ministry concerning EU affairs.

EU departments of the ministries (state authorities) are in charge of preparing strategic dossiers for the ministry and developing diplomatic relations with their counterparts in the EU. Other departments are usually also involved in EU affairs: e.g. the Legal Departments deal with legal harmonisation and Departments for International Assistance manage EU Pre-accession funds if available for the given ministry. The head of the EU Department of a ministry is the head of the Expert Group of the ICEI and presides over its expert meetings.

As Hungary nears full membership it continues to be the internal responsibility of the ministries to provide an optimum size of the staff dealing with EU matters – by regrouping the civil servants within the ministry, or by opening new posts for officials.

Minister of Justice

The Minister of Justice – in close cooperation with the MFA – coordinates the legal harmonisation process. To this end – by inviting all the relevant ministers – he/she puts together the national legal harmonisation programme, monitors and promotes the implementation of this programme and provides for the theoretical and methodological coherence of the process. The Minister of Justice also has to ensure that all the Hungarian draft-laws and regulations as well as drafts of international treaties are compatible with the *acquis communautaire*. He/she also guarantees the coherence of translation of Community law into Hungarian. All these tasks belong primarily to

³⁶ Information based on an interview at the SSI in January 2002.

the General Department of Legal Harmonisation of the Ministry of Justice.³⁷

With a view to the huge amount of legal work to be done, Hungary has had legal harmonisation programmes since 1995. Legal harmonisation started earlier (in accordance with Art. 67, 68 of our Europe Agreement), but the Cannes White Paper concerning preparations for integration into the Internal Market³⁸ gave new impetus to legal approximation activities of Hungary. After parliamentary adoption of these programmes the government is responsible for their implementation.

The programme presently in force³⁹ specifies the tasks of the ministries and state authorities with regard to their EU harmonisation obligations for 2002-2003 (government resolution 2099/2002).

These tasks must be coherent with the obligations of Hungary deriving from the Association Agreement, as well as those deriving from the country's preparations for EU membership in general, and as required by the National Programme for the Adoption of the Acquis and the accession negotiations in particular. Initially, the legal harmonisation programme was based on the hypothesis that Hungary would become a full EU member at the beginning of 2002, thus, the final deadline set for the completion of the work was the end of 2001. However, after the European Councils in Helsinki, Gothenburg, Laeken the target date had to be moved to 2004 (as the year of entry), and the completion of the preparations was rescheduled – as it was mentioned – until the end of 2003.

At the beginning of each year (and then several times again during the year) the Ministries of Justice and Foreign Affairs

evaluate the work of all ministries and may take further measures to catch up with the deadlines of the programme, where necessary. The Ministers of Justice and Foreign Affairs draw up a quarterly report about the timely implementation of the programme by all ministries, and inform the government about it when necessary.

The government regularly (at least once a year) evaluates the progress made in the legal harmonisation process⁴⁰ and the NPAA. While preparing draft laws, the government pays special attention to the tasks arising from the preparations for membership, in particular regarding commitments made to the EU during the accession negotiations.

All these measures help eliminate or prevent serious delays in the legal harmonisation process across the Hungarian public administration.

Parliament

The Hungarian Parliament – via its Committee for European Integration⁴¹ – is directly involved in the implementation of the Association Agreement thanks to the Association Parliamentary Committee. The Parliament also directly participates in the legal harmonisation process, but is only indirectly involved in the accession negotiations as far as being informed about the accession ne-

³⁷ Németh, Anita (2000), 'Kis magyar jogharmonizációs tükör' (Small Hungarian Legal Harmonisation Mirror), *Európai Tükör*, 2000. V/6.

³⁸ European Commission (1995), 'White Paper on the Preparation of Associated Countries of Central and Eastern Europe for the Community's Internal Market', COM(95) 163 final.

³⁹ http://www.im.hu/adat/letoltes/veglegesjogharmonprogram2002_03_20.pdf (September 2002)

⁴⁰ For example on the government session in December 2000 the state of legal harmonisation and the performance of each ministry was evaluated. Every ministry having a delay in the planned harmonisation tasks had to explain the reason for the delay. The government only accepts delays for objective reasons (such as EU law being under modification), otherwise any delay must be rectified as soon as possible. Then a list was drawn up for the ministries to catch up with their obligations. Part of the lagging harmonisation tasks had to be concluded by the end of January, the remaining part by the end of March. In the beginning of April 2001 the government controlled the results and could establish an overall successful progress in the catching up process of each ministry. (Information provided by an official at the General Department of Legal Harmonisation of the Ministry of Justice in January 2002.)

⁴¹ The Committee for European Integration exists as a standing committee in the Parliament since 1994.

gotiations. The MPs may express their views in this regard without binding effect.⁴² In general, the Parliament scrutinises the government's EU-related activities. Since 1999 there is regularly – once a year, in autumn – a day for EU debate at the plenary session when, for example, the results of the Progress Report or current issues of accession negotiations may be discussed. The debate is introduced by the report of the Minister of Foreign Affairs and is concluded by the Prime Minister. Nevertheless, the accession process is overwhelmingly managed by the Hungarian executive (expert civil servants and diplomats) under political guidance of the government of Hungary.

In a joint declaration of September 2000⁴³ all parliamentary parties agreed on promoting legal harmonisation in the Parliament so that Hungary can comply with its obligations during the accession negotiations and before entering the EU. This declaration should prevent blockages of EU-related parliamentary decisions, caused by party clashes. This agreement is to be reinforced by the four parties of the new Parliament (MSZP, SZDSZ and FIDESZ, MDF).

Within the Parliament, the Committee for European Integration has become one of the most prestigious parliamentary committees: it ranges as the 6th most important committee among the 23 committees. This is also shown by the fact that the Committee was moved from the building of parliamentary committees (and their secretariats) to the building of the Parliament proper, where only few committees can be found. The most important rights of the Committee for European Integration are: examination of any EU-related issue, law-initiation, putting forward own proposals, opinions, and scrutinising government activities. The Committee monitors the legal harmonisa-

tion process, as well as the screening and negotiation process.⁴⁴

Besides the Committee for European Integration every standing committee has established a sub-committee dealing with European affairs and these are also involved in the process of negotiations on a regular basis.

Since the new Parliament took office the idea of a Great Committee for European Integration covering the dossiers of different parliamentary committees emerged. It is to be set up in autumn this year and is to be presided over by the chairwoman of the Parliament.

Prime Minister

The role of the Prime Minister is that of a political leader. He (and the entire government) approves major decisions, but intervenes only exceptionally into the technical issues of the preparatory phase.

In order to underline the importance of EU affairs under the Medgyessy government an Integration Cabinet was set up (which also existed under the Horn government), headed by the Prime Minister, the vice-chairman being the Minister of Foreign Affairs. Its members come from the MFA, the PMO, and of several key ministries. This is not a decision-making, but a decision-preparing forum where every two weeks the members outline the major conceptual guidelines regarding the negotiations, the national preparation, the work of individual ministries, the preparations for a referendum and the communication strategy. Decisions are then taken by the government.

Within the PMO three new units have been set up concerning EU relations. The Department of the National Development Plan and EU Assistance (absorbing the abolished "PHARE Ministry"); Department of Regional Development, and finally the

⁴² Györi, Enikő (1998), 'A magyar Országgyűlés részvétele az integráció folyamatában' (The Participation of the Hungarian Parliament in the Integration Process), *Európai Szemle*, 1998/1.

⁴³ <http://www.mfa.gov.hu/kulugy> (see: Archives, Earlier Statements, 11.09.2000) (February 2002).

⁴⁴ http://www.mkogy.hu/biz/europa/bizottsag_biztori.htm (February 2002).

Department of Public Relations and Communication.

Mission of Hungary to the EU

A further key institution of the Hungarian-EU relations is the Hungarian Mission in Brussels, set up in 1990. After Hungary concluded the Association Agreement and especially when accession negotiations started, the Mission was extended (they even moved to a larger building). To date, the Mission is staffed with diplomats competent in all areas of the *acquis*. Presently, 21 diplomats (approximately half of them from the MFA, the rest from line ministries) work at the Hungarian Mission to the EU.⁴⁵ This number will, of course, rise substantially when the Mission becomes a real Permanent Representation of Hungary to the EU.

As already mentioned, the Head of the Mission is also Chief Negotiator for the accession negotiations which is a rather unique case among the negotiating countries. The Deputy Head of Mission is responsible for the administration of the Mission itself, and for the ESDP. The Chief Negotiator is seconded by two Co-Secretaries of the Accession Conference. One of them is responsible for the general coordination of the accession negotiations (meaning that he is actually the so-called contact point for the Commission and the member states towards Hungary and from Hungary towards the EU partners) and he also deals with the institutional reform of the EU. The other co-secretary is responsible for first pillar matters.

There are three sections within the Mission, namely the Political Section, Community Policies Section, Industry and Trade Policy Section.

The Political Section is actually headed by the above-mentioned Deputy Head of Mission. Under him there are five diplomats dealing with: justice and home affairs, fight

against organised crime, terrorism and drug trafficking, public administration and local governments, EP-relations, press-relations, CFSP, ESDP, Stability Pact, social policy, employment, education, public health, culture, audio-visual policy, Community programmes.

Under the Community Policies Section eight diplomats are working. They are responsible for: state aid, free movement of labour, financial control budgetary issues, statistics, legal matters, TAIEX, internal market, economic issues, EMU, Regional Policy, R&D, information society, agriculture, fisheries, veterinary and phytosanitary matters, transport, communication, water management, environment protection, financial services, direct taxation, pre-accession funds (PHARE, ISPA, SAPARD).

Under the Industry and Trade Policy Section four diplomats are working. Besides dealing with trade and industrial policy, they are in charge of general trade issues, customs, indirect taxation, agricultural trade, tourism, consumer protection and SMEs-standardisation.

Diplomats working in these sections build relations with their counterparts in the European Commission; e.g. the Hungarian diplomat responsible for transport communicates with EU officials working in the Enlargement DG responsible for Hungarian transport issues. Hungarians at the Mission may also contact the Permanent Representations of the member states as well as other Directorates General where officials deal with enlargement aspects.

Consultative institutions

The European Integration Council (EIC) is composed of trade unions, chambers and professional organisations and presently has 20 members. Subordinated to the Minister of Foreign Affairs, the EIC was established in 1998 with the aim of bringing together organisations representing the widest possible interests while formulating national positions during accession talks. It is a consulta-

⁴⁵ <http://www.humisbeu.be/themission.htm> (February 2002).

tive forum for the social partners focussing on European issues exclusively. Although the government is not bound by the opinion of the EIC, this consultation mechanism proved to be very efficient in the past few years.

The preparations for accession negotiations are supported by the work of the Strategic Working Group for European Integration, renamed under the Medgyessy government as Integration and Development Working Group. It is composed of academics and serves as a think-tank for the decision-makers. It regularly provides studies concerning the topics of accession negotiations and gives assessment of the social and economic impact of Hungary's EU membership. Being subordinated to the PMO, this think tank however has a limited impact on the formulation of the negotiating positions.

Coordination mechanisms and decision-making

The coordination of the Hungarian accession negotiations⁴⁶ is based on three principles: (1) ministerial responsibility, (2) coordination across ministries with the leading role of the State Secretariat for Integration and Trade (SSIT) of the MFA, as well as (3) the 'single-channel method' (speaking with one voice to the EU).

Negotiating positions of Hungary are prepared by the ministry or ministries concerned, under the co-ordination formerly of the SSI, now the SSIT.

The prepared negotiation positions can then be discussed in the framework of the Interministerial Committee for European Integration (ICEI).

Intra-ministerial conflicts are solved within the ministry, which then must represent a single view; interministerial conflicts emerging at expert level can only be solved at political level. In this process the

SSIT plays a moderate role, but of course cannot decide. Such issues are forwarded to the government level, where finally the Prime Minister and his government decides. In these cases the aim is to have a balanced national position in which the different sectoral interests are evened out.

At the end it is the government who takes the ultimate decision concerning the accession negotiations (screening and negotiation positions). The Prime Minister decides on his own only in rare „emergency cases” when an answer is needed urgently from Budapest and no internal compromise could be found. The mandates for the screening chapters were issued via government resolutions on the basis of the joint proposal of the minister concerned and the Ministers of Foreign Affairs, Justice, Economy and Finance. The position papers (as well as supplementary papers) are adopted by the government according to proposals of the Minister of Foreign Affairs.

The adopted positions are then presented to the intergovernmental conference on accession by the Chief Negotiator.

3.2.2. Assessment of the key actors and the decision-making mechanisms

In Hungary the establishment of a Ministry for European Affairs has never been seriously considered given the fact that the *acquis* has an impact on all kinds of sectors across all ministries. There was a political consensus that such a ministry would not be able to manage all EU issues in its exclusive competence, and this would necessarily lead to conflicts with the MFA as well as with many other ministries. Rendering the Minister of Foreign Affairs responsible for EU matters, as well as establishing the SSI/SSIT inside the MFA proved to be a successful decision from the point of view of efficiency.

During the preparation of negotiation positions, the interests of the different ministries must be adjusted before any decision is taken. The Interministerial Committee has been an adequate forum for this and paved

⁴⁶ http://www.kum.hu/euint/index_coord.html (February 2002).

the way for better interest conciliation among the parties concerned during the past decade, be it the using of EU assistance or the elaboration of a national position in the negotiations. The role of the ICEI might be altered with membership when sectoral interests of a country can be represented directly via the Council of Ministers and its sub-structures.

Ministers as well as directors of state authorities must ensure the smooth implementation of EU-related tasks within their areas of competence. They are also responsible for the adequate internal institutional set up and for establishing external relations in the framework of their EU specification. The Hungarian ministries may establish (and most of them have already established) direct contacts with Brussels, but they do it mainly for the exchange of professional experience.⁴⁷ This type of relationship is merely informal, since ministries are not able or permitted to represent Hungary in the accession process. This is the exclusive competence of the Hungarian government – represented by the MFA. According to both the European Commission and the Hungarian government it is important that Hungary speaks with one voice *vis-à-vis* the EU and not in a decentralised, uncoordinated manner leading to mismanagement of EU relations.

The EIC is for the time being the only formal “lobby group” having influence on the EU-related decisions of the Hungarian government however the Expert Groups of the ICEI are also obliged to contact professional groupings within their field of competence before finalising a proposal. Informally some of the biggest firms directly approach the government when their specific interests are at stake. The involvement of the professional groups as well as of civil society could be intensified in the future. Before accession it would enhance the transparency of EU affairs in Hungary, and after accession it would raise the efficiency and legitimacy of Hungarian EU policy.

⁴⁷ Information based on interviews at the SSI in December 2001.

Correspondingly, the powers of the Parliament have to and will be extended with EU membership thanks among other influences to the transposition of EU directives or to the activities of COSAC (Conference of EU Committees of national parliaments).

The important role of the Ministry of Justice cannot be disputed given the fact that European integration is based on Community law. The Ministry of Finance plays a key role since practically all steps towards EU conformity generate costs.

To sum up, in Hungary the whole process of internal preparations for EU membership and implementation of the *acquis* is decentralised to the ministries and organs concerned although under tight coordination and monitoring by the Ministers of Foreign Affairs and Justice. A smoothly functioning Mission to the EU works alongside the internal structures. The Mission is already perceived by many Commission officials as a Permanent Representation given its transparent structure and the Hungarian diplomats’ high-level professional preparedness in EU matters comparable to that of present member states.⁴⁸

3.3. Human resources in view of EU accession

3.3.1. Key persons and their professional background

The President of the Hungarian Republic, Ferenc Mádl, does not play an eminent role in the country’s integration process. Nevertheless it is relevant to mention that he is professor of International and European law and used to teach at the Law Faculty of the ELTE University in Budapest and at the Col-

⁴⁸ Assessment based on interviews conducted with European civil servants in Brussels in September 2001.

lege of Europe in Natolin. Thus, beyond political engagement, he also has a professional/personal commitment to EU affairs and Hungary's full membership of the EU.

The former Minister of Foreign Affairs, János Martonyi is a well-known lawyer having specialised in European law. He also gained diplomatic experience in the Hungarian Trade Mission to the EC (1979-1985) and the MFA where he was Administrative State Secretary under the first freely elected government (led by József Antall). Under the Horn government he headed a law firm with EU expertise and also taught at the College of Europe in Natolin.

The present Minister of Foreign Affairs, László Kovács is an old-new foreign minister having gained important experience of international and EU diplomacy during the Horn government (1994-98). He also did a crucial job in preparing Hungary's entry to NATO.

The Chief Negotiator, Endre Juhász is also a lawyer and career diplomat. He was Secretary at the Department for EC Trade Relations of the Hungarian Trade Mission to Belgium. In 1992-93 he headed the newly created Office of European Affairs at the Ministry of International Economic Relations, then working there as Administrative State Secretary in 1993-94. When the new government took office in 1994, the ministerial structure was somewhat reorganised: the Office of European Affairs became part of the Ministry of Industry and Trade where Juhász was the head of the Office in the rank of State Secretary. Since 1995 he has been the leader of the Mission in the rank of ambassador. He is well known for his vast knowledge of the *acquis*, which is especially recognised by his negotiating partners.⁴⁹

The former head of SSI, presently deputy head of SSIT (and head of Integration Affairs) Péter Gottfried is an economist and career diplomat with international ex-

perience. From 1989 to 1995 he worked at the Hungarian Mission to the EC/EU and participated actively in the preparations, negotiations and implementation of the Association Agreement. In 1996-1998 he was the Deputy Head, since 1998 he has been the Head of the SSI at the MFA with the rank of State Secretary.

The present head of the SSIT, Péter Balázs is an economist having important experiences in both state administration (he was State Secretary in the Ministry of Industry and Trade in 1992-93) and diplomacy: he worked in Brussels as councillor of trade (1982-87), then became ambassador of Hungary to Denmark and later Germany (1993-2000). He was lecturing at the Budapest University of Economics and State Administration and published a great deal of scientific analyses about the EU (especially the EU's external relations).

The head of the General Department for EU Coordination at the SSIT, Péter Györkös is a young professional in international relations and a career diplomat who has been heading this department since the 1st of January 1998.

During the second half of the 1990s the MFA engaged many young lawyers and economists who speak Western European languages and have an understanding of the EU – thus, the average age at the SSIT/Integration has dropped significantly.

The leading diplomats both at the SSIT in Budapest or at the Mission in Brussels, are all very competent and knowledgeable career diplomats having at least a decade of EC/EU experience and speaking the EU's working languages fluently.

In fact, Hungary's precious asset is that a kind of personnel continuity in EU relations has been ensured throughout the last decade; independent from government changes. Hungary has a quite considerable team (approximate figures see below) composed of highly competent and committed diplomats working together on EU accession – and this is appreciated on the EU side, because it signals reliability and predict-

⁴⁹ Evaluation based on interviews conducted with European civil servants in Brussels in September 2001.

ability in personal relations with Hungary.⁵⁰ This fact is also a proof of the national political consensus on Hungary's EU membership and the general respect for EU expertise in the public administration and diplomacy. It seems that the mentioned team successfully integrated many young, dynamic and talented diplomats, who assist the core group in its work. Thus, the personnel continuity in key positions combined with openness to new staff has proved to be efficient and fruitful during the negotiation process so far.

3.3.2. Capacities of administrative staff: Preparing for full membership

According to estimates,⁵¹ taking all the ministries and the Mission to the EU together, there are some 300-350 civil servants directly involved in Hungary's preparations for EU membership, and some 600-650 experts assisting them.⁵² So, altogether there are around a thousand Hungarian civil servants and experts directly or indirectly involved in the accession/negotiation process. EU departments of ministries usually have an average of ten officials.⁵³ Nevertheless it is extremely difficult to estimate the share of civil servants in the ministries (and state authorities) dealing in any way with EU issues. Experts from the Hungarian Institute of Public Administration suggested in the less involved ministries this share might not exceed 5 per cent, but in the more important ministries would be over 10 per cent. Diplomats from the SSIT even suggest that on average in relevant

ministries (not all of them) some 50-100 civil servants might be involved in EU matters in one way or another. These estimates would then lead to a higher number than the previously mentioned thousand civil servants.

For the time being – in this stage of preparations for full membership and managing accession negotiations – the indicated number of civil servants seems to be satisfactory to cope with all of the obligations of Hungary. The problem regarding a possible shortage of civil servants will arise after becoming a member, as many of the people presently working in Budapest will go to Brussels to work in the EU institutions, and also due to increased administrative tasks stemming from full membership. Then, according to estimates of the Ministry of Foreign Affairs – taken up also by the World Bank – some 4000 posts will be required⁵⁴ to be filled by civil servants staying in Hungary and working with EU issues on a daily basis.

The continuous training exercise of officials and the raising of the prestige of civil service thanks to the new Act should reduce the difficulties in meeting the administrative challenges posed by EU membership. Additionally, one must keep in mind that once a country becomes a member, the EU will affect everyday life in nearly all fields of society. This will necessarily launch a learning-by-doing process which might not substitute, but can surely supplement, previous training programmes, and will surely impact on the Hungarian public administration structures developed so far.

Hungary is currently launching preparations for these challenges: the MFA recently elaborated the Program of Functioning as a Member State to be adopted by the government in autumn.⁵⁵ The aim is to prepare the civil service for the involvement

⁵⁰ Evaluation based on interviews conducted with European civil servants in Brussels in September 2001.

⁵¹ Informal estimates from the Hungarian Institute for Public Administration (HIPA) obtained in July 2001.

⁵² The World Bank provides similar figures: nearly 380 officials involved in the negotiations and some 690 „back up staff”. See: World Bank (2000), ‘Ready for Europe’, Technical Paper no. 466, p. 314; http://www.wds.worldbank.org/servlet/WDSContentServer?WDSID=IB/2000/08/14/000094946_00072405371429/Rendered/PDF/multi_page.pdf (February 2002).

⁵³ The World Bank, op. cit., p. 314.

⁵⁴ Ibid., p. 315. (Other experts estimate the initial need at 2500-3000: information obtained during a conference in Budapest in February 2002.)

⁵⁵ Information obtained from the SSIT in August 2002.

of officials in the day-to-day EU decision-making. The Program highlights the following objectives:

- * the de facto setting up of the Hungarian Permanent Representation in Brussels by September 2003 (the aim is to enlarge the staff from 21 diplomats to some 50, plus the assistance staff to some 30);
- * redefinition of the competencies and tasks of the SSIT;
- * defining the tasks of the ministries and state authorities. The primary aim is to prepare the officials for efficient participation in the working groups of the Commission and Council where Hungary shall be involved already after having signed the Accession Treaty, and will have to cope with the challenge that not only 29 chapters but several hundreds of special committees exist. On the other hand, with full membership Hungary will have to fill the unofficial “national quota” in all EU institutions.⁵⁶ Thus, the task is to provide training for those who would like to pass the *concours* (application exams to EU institutions) as well as for those who will work on EU issues at national level. Furthermore it will become important to ensure smooth functioning of the public administration after having “lost” its experts (by hiring new officials);
- * EU Documentation Centres shall be set up at the future Permanent Representation and at the MFA to handle all the official documents published by the EU.

⁵⁶ According to estimations Hungary might occupy some 340 jobs at the European Commission alone between 2003-2008. Hungary can only calculate along the guidelines of the Commission’s Recruitment Strategy [COM (2002) 218] published earlier this year – but since the member states did not yet agree on it, an official EU position in this regard is still delaying.

3.4. Accession negotiations on environment: A case study⁵⁷

The *acquis* screening of the Environment chapter between Hungary and the European Commission took place during January-February 1999 via 3 multilateral and 3 bilateral rounds. In these meetings Hungary was represented by experts from the Ministry of Environment Protection and diplomats from the Mission as well as officials from the SSI, while on the EU side Commission officials from the Enlargement and Environment DGs were present. Altogether these rounds took some 15 days in Brussels. The bilateral rounds were an opportunity to make things clear and really prepare the ground for negotiations with EU member states. After the screening phase Hungary elaborated its position paper on the chapter by asking for 9 transition periods.

The national position was tabled to the Council of the European Union in July 1999. Since then Hungary was twice asked to give supplementary information which amounted to two fifty-page detailed documents. After the second supplementary information was handed over in March 2001, negotiations between the EU member states and Hungary could be raised to ministerial level. The chapter was provisionally closed at ministerial level on the 1st of June 2001.⁵⁸ By this time Hungary gradually withdrew some derogation claims or they became outdated. Only 4 transition periods were retained.

As regards internal coordination, the key forum was the „ICEI 22” named after the number of the chapter. This interministerial expert group was established in 1999 composed of officials from the Ministry of Environment Protection, from the SSI (now SSIT), and all related ministries or authori-

⁵⁷ Based on an interview conducted with the official responsible for environment at the SSI in December 2001.

⁵⁸ On the Hungarian side a chapter can also be closed by the Chief Negotiator who in this case represents the minister (as it happened with the Environment chapter).

ties (the horizontal ministries and, according to topics others, e.g. the Ministry for Transport and Water Management).

Meetings were held every 6-8 weeks with some 20-40 participants, chaired by the Head of the EU Department of the Ministry for Environment Protection (bearing responsibility for the chapter). During these years a very good, smooth and pragmatic working relationship emerged within this group, which continues its work after closing the chapter, by monitoring the implementation of the NPAA and also by answering questions of the Commission if new *acquis* emerges.

Providing the secretarial functions for the ICEI generally means an additional coordination task for the SSI/SSIT. The official responsible for environment at the SSIT receives all the necessary documents from the related parties and may propose amendments to the papers from both a professional and a formal point of view. The official at the SSIT as well as experts from the Ministry of Environment Protection (now Ministry of Environment Protection and Water Management) keep in touch with the Mission while the diplomat at the Mission holds direct personal contacts with his/her counterparts at the European Commission, the Permanent Representations of the member states, as well as informally with the Missions of other candidate countries. Current member states also provide expertise via the Twinning Programme, which in this sector proved to be very useful.

When a paper is being elaborated some rivalry among the ministries can sometimes be observed due to overlapping of competencies. In these cases the SSI/SSIT can assist the parties as a mediator. In the end – after having solved all the problems – final proposals are tabled to the government which takes the ultimate decision. The experience with negotiations on environment was that, at this level of negotiations, the government only had to give its approval to the well-prepared positions. This fact as well as the fact that this difficult chapter could be closed so early, proves that the

internal Hungarian coordination structures were efficient, the Hungarian side was ready to make efforts and compromises and the EU side was also very cooperative. An example of the latter is that the European Commission explained to Hungary that Budapest interpreted some environment directives more severely than was necessary and thus, Hungary could drop two derogation claims.

As regards the future, the present coordination structure seems to be an efficient one worth retaining. The SSI modified to become SSIT, the Mission, as well as the EU departments of ministries will certainly have to be extended. It is a good sign that presently nearly all officials involved in the background work of the negotiations and preparations speak good English and above their specialisation have a basic knowledge of the EU. Thus, the major task for the future will be the widening of expert staff throughout the public administration without substantially changing the present structures.

3.5. Assessment of performance – Efficiency, professionalism and preparedness for EU membership

The Hungarian system of EU administration – based on ministerial responsibility, coordination across ministries, the leading role of the SSIT and the single channel communication towards the EU – is performing well and this is underpinned by two important factors.⁵⁹ Firstly, the EU recognises this system as highly efficient and recommended it to other candidate countries. Secondly, if we look at the outcome of the negotiations, there has never been any problem that could have been attributed to the internal institutional structure (such as delays, misunderstandings or mistakes in administration, *etc.*). Efficiency is guaranteed also due to the previously mentioned two principles: the system is mono-centred and

⁵⁹ Evaluation of a high-ranking official interviewed at the SSI in January 2002.

single-channelled. The central role of the SSIT guarantees consistency of Hungarian EU policy and proves to be a very advantageous model compared to other options (e.g. EU Ministry). Communication with EU institutions as well as with Hungarian actors is also coherent thanks to the single-channel model whereby inside Hungary it is the SSIT, and in Brussels it is the Mission, who communicates with their counterparts.

This coordination system is of course efficient under two conditions.⁶⁰ Firstly, it must work horizontally. In other words all relevant parties must be involved in the process in order to cover the whole national spectrum of EU affairs. Secondly, coordination and communication must work vertically, from the lowest level desk officer where draft decisions are prepared up to the government level where decisions are taken.

It seems that the Hungarian system comprises all these important elements and conditions of efficiency, which greatly contributes to the fact that Hungary ranks among the well performing countries regarding the number of negotiating chapters closed provisionally and also regarding the level of preparedness for full membership.

4) CONCLUSIONS: HUNGARY ~ AN ORDINARY MEMBER STATE?

When assessing the degree of Europeanisation of the Hungarian public administration one must bear in mind that there is no single model of public administration in EU member states; neither is there any set of rules of how to build up national administrations to comply with EU obligations (as was mentioned, according to the Copenhagen/Madrid criteria, only the existence of reliable and sound democratic institutions and the ability to take up and apply the *ac-*

quis are required). On the contrary, there is an “autonomy of national administrative systems, and thus, ‘structural subsidiarity’. Day to day management of Community law – its concrete application – is conveniently entrusted to the appropriate national administrative laws and relevant authorities, which become the outer branches of the Community’s administration.”⁶¹ What matters is to ensure the final result: “efficient, effective and uniform enforcement of Community provisions.”⁶² Thus, the only orientation point can be measuring the compliance of Hungary with EU pre-accession and accession requirements.

The Progress Report of the European Commission of October 1999 analysed the performance of the Hungarian public administration from the prospective of applying the *acquis*.⁶³ The Commission assessed the overall performance of the Hungarian public administration to be constantly improving and the training of civil servants was deemed as a sign of strong commitment for complying with EU requirements.

The Progress Report 2000⁶⁴ noted further progress of the administrative capacity building of Hungary.⁶⁵ According to the Commission “progress was in particular achieved in the modernisation of the legal environment under which public administration is operating. This concerned five major areas: the re-definition of the func-

⁶¹ Nizzo, Carlo (1999), ‘National Public Administrations and European Integration’, p. 5.

<http://www1.oecd.org/puma/sigmaweb/acts/civilservice/docs/nizzooct2000.pdf> (February 2002).

⁶² Nizzo, op. cit.

⁶³ European Commission (1999), ‘The 1999 Regular Report on Hungary’s Progress towards Accession’, http://www.mfa.gov.hu/euint/index_keydoc.html (February 2002).

⁶⁴ European Commission (2000), ‘The 2000 Regular Report on Hungary’s Progress towards Accession’, http://www.mfa.gov.hu/euanyag/hu_en.html (February 2002).

⁶⁵ The Commission Report mentioned only a few modifications within the executive structure of Hungary, and highlighted that the aim of increasing the financial autonomy of local governments was not achieved. Further criticism concerned some backlogs in organising the regional level and the necessary structures for absorbing EU funds (especially the delays in setting up the SAPARD Agency).

⁶⁰ Evaluation of a high-ranking official interviewed at the SSI in January 2002.

tions and responsibilities within the ministries in order to improve the operation of the central administration; widespread use of cost-benefit analysis in daily work; rationalisation of public services; IT development with the aim also of ensuring the proper link between the different territorial offices; and development of regional and local administrations.”⁶⁶ The Commission furthermore praised the gradual increase of wages of civil servants and the regular EU training of officials in the national and local administration.

The latter aspects were re-emphasised by the Progress Report 2001.⁶⁷ Nevertheless, the Commission criticised the slow progress in building up institutions necessary for the future reception of Community financial support for agriculture and regional cohesion. At the same time the overall performance of the central coordination via the SSI was deemed to be efficient and the revised Hungarian NPAA was seen as a „useful tool to reach a very high degree of preparation for accession.”⁶⁸

Further Europeanisation of the Hungarian public administration will necessarily proceed as the country nears full EU membership. The possible directions of further development are already outlined in the mentioned Program of Functioning as a Member State. Besides the central administration Hungary is currently intensifying efforts in the field of setting up viable institutions for absorbing the EU funds⁶⁹ as well as for applying the technical parts of the *acquis* (such as border control or institutions of the Internal Market, *etc.*).⁷⁰ The

⁶⁶ European Commission (2000), *op. cit.*

⁶⁷ European Commission (2001), ‘2001 Regular Report on Hungary’s Progress towards Accession’, http://www.mfa.gov.hu/euint/index_keydoc.html (February 2002)

⁶⁸ *Ibid.*, pp. 110-112.

⁶⁹ As regards the Pre-accession funds, Hungary was lagging behind with setting up of the SAPARD Agency (which should soon be accredited), at the same time management of PHARE improved considerably the last years and using ISPA assistance is also satisfactory.

⁷⁰ A further key tool for preparing the public administration for efficient membership is the Action Plan to strengthen Hungary’s administrative and

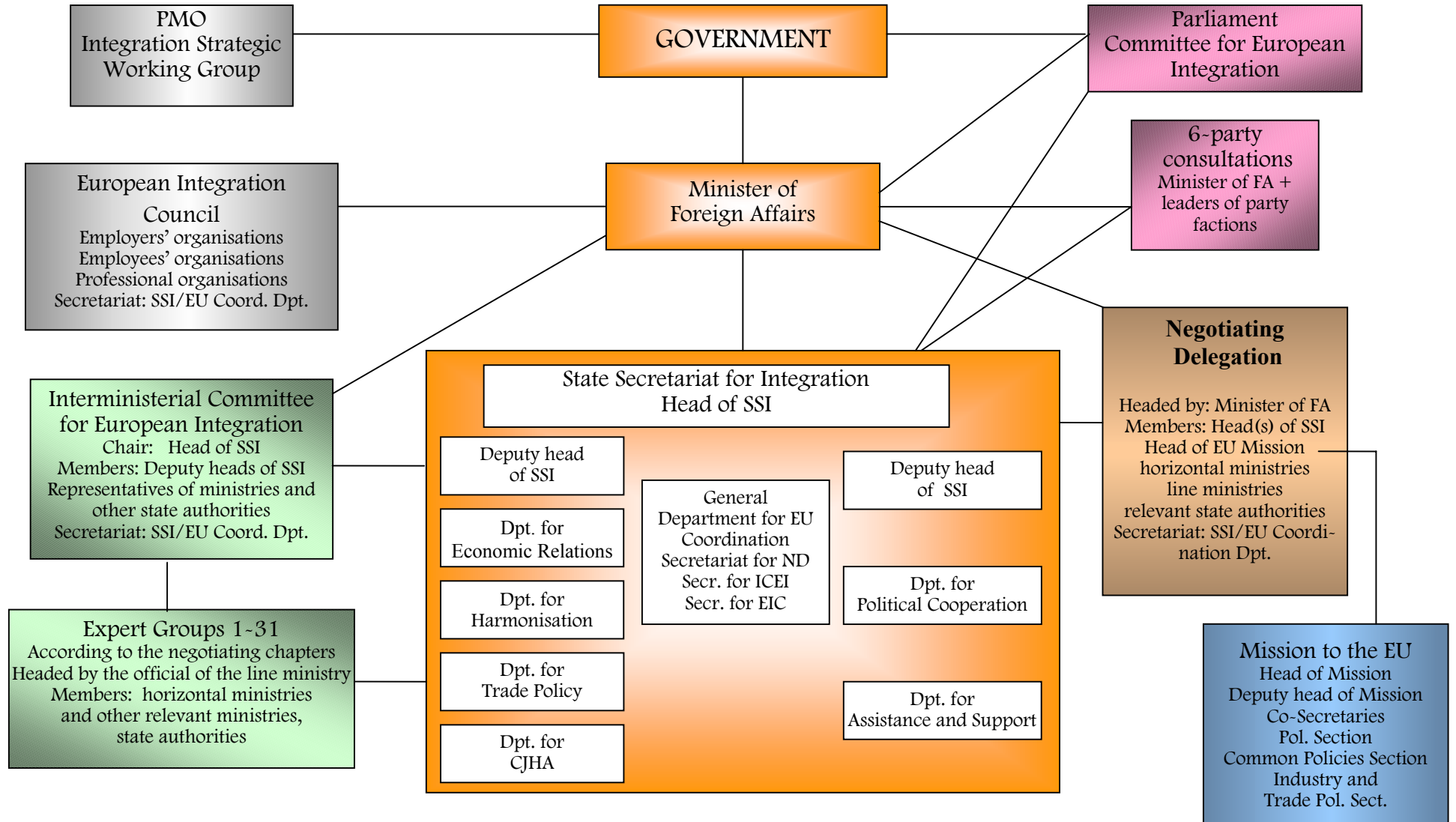
regional and county levels will have to prepare for participating in EU structural and cohesion policies as well as for playing an active role in the Committee of the Regions in Brussels. The local levels too will have to prepare for applying the *acquis* relevant for them. As mentioned, at all levels reinforcing human capacities will be a continual obligation.

The key to the future success in administering EU affairs will be providing competent input from the lowest levels of bureaucracy, as well as keeping an efficient coordination system at the top – enabling smooth cooperation of Hungary with its EU counterparts at all levels. In parallel to this, parliamentary control is likely to increase and the mechanisms of sectoral interest representation will surely become more sophisticated and strengthened.

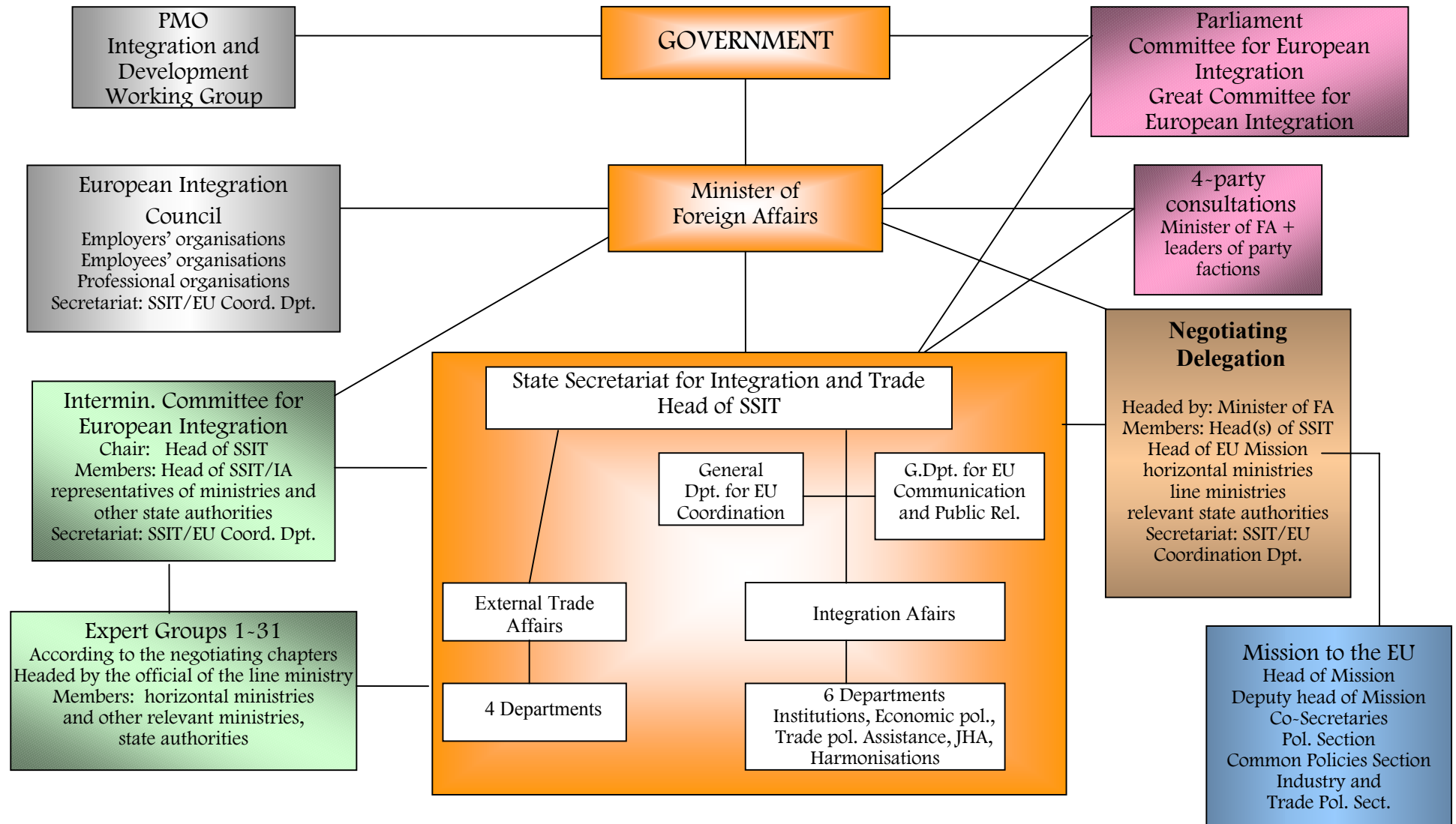
So far results of administrative performance suggest that in institutional terms Hungary is on the right track towards gradual adaptation to EU requirements and should have no special institutional or administrative problems after gaining full membership. Hungary has good chances to become an “ordinary” member state in the enlarged EU as is already perceived by many officials of the European Commission working with Hungary on a daily basis.

judicial capacity – jointly agreed upon by the European Commission and Hungary in spring 2002. The plan (the target zone of which points beyond our analysis) concentrates on the following priorities: smooth functioning of the internal market, sustainable living conditions in the EU, protection of European citizens and proper management of Community funds.

GRAPH 1
The structure of institutional coordination of EU affairs in Hungary under the Orbán government



GRAPH 2
The structure of institutional coordination of EU affairs in Hungary under the Medgyessy government



BIBLIOGRAPHY

1. Sources

- Dudás, Ferenc (2001), 'A közigazgatás személyi állománya számokban' (Staff Data of the Public Administration), In: *Magyarország Politikai Évkönyve 2000-ről*, Demokrácia Kutatások Magyar Központja Alapítvány, Budapest.
- Dudás, Ferenc – Hazafi, Zoltán (2000), 'A közigazgatást és annak személyi állományát érintő harmonizációs törekvések iránya' (Direction of Harmonisation Efforts Related to the Public Administration and Its Personnel), *Magyar Közigazgatás*, január, L./1.
- European Commission (1997), 'AGENDA 2000, Opinion on Hungary's Application for Membership of the EU', DOC/97/13 Brussels, 15/07/97.
- European Commission (1999), 'Regular Report on Hungary's Progress towards Accession', Brussels, 13/10/99.
- European Commission (2000), 'Regular Report on Hungary's Progress towards Accession', Brussels, 8/11/00.
- European Commission (2001), 'Regular Report on Hungary's Progress towards Accession', Brussels, 13/11/01.
- Győri, Enikő (1998), 'A magyar Országgyűlés részvétele az integráció folyamatában' (The Participation of the Hungarian Parliament in the Integration Process), *Európai Szemle*, 1998/1.
- Horváth, Gyula (1998), *Az európai regionális politika* (European Regional Policy), Dialóg Campus Kiadó, Budapest–Pécs.
- Hungarian Mission to the EU: <http://www.humisbeu.be>
- Jenei, György (1999), 'Civil Services and State Administrations (CSSA) Country Report: Hungary' <http://www1.oecd.org/puma/sigma/web/acts/civilservice/countrypapers/Hungary99.pdf>
- Lippert, Barbara – Schneider, Heinrich (eds.) (1995), *Monitoring Association and beyond The European Union and the Visegrád States*, Bonn.
- Lippert, Barbara – Umbach, Gaby – Wessels, Wolfgang (2001), 'Europeanisation of CEE Executives: EU Membership as a Shaping Power', *Journal of European Public Policy, Special Issue on Executive Governance in Central and Eastern Europe*, December.
- National Programme for the Adoption of the Acquis: <http://www.mfa.gov.hu/euanyag/npaa/download.htm>
- Németh, Anita (2000), 'Kis magyar jogharmonizációs tükör' (Small Mirror of Hungarian Legal Harmonisation), *Európai Tükör*, V/ 6.
- Nizzo, Carlo (1999), 'National Public Administrations and European Integration?'; <http://www1.oecd.org/puma/sigma/web/acts/civilservice/csdocs/nizzoct2000.pdf>
- OECD: <http://www.oecd.org/puma/sigma/web/acts/civilservice/cscountryreports.htm>
- PECAT Foundation (1998), *Assistance to Public Administration Reform in Central and Eastern Europe*, Warsaw.
- Regions in Hungary: <http://www.rda-ceda.net/partners/hungary/hungary-gi.html>
- Szabó, Gábor (1994), 'A dekoncentrált állami közigazgatás aktuális elméleti és gyakorlati kérdései' (Current Theoretical and Practical Questions of Decentralised State Administration), *Info-Társadalom-Tudomány*, 31.

Vastagh, Pál (2002), 'A magyar alkotmány-fejlődés jellemző vonásai, különös tekintettel az európai unió integrációjára' (Characteristic Features of the Hungarian Constitutional Development with Special Regard to European Integration), *Európa, II/4*.

World Bank Report on Hungary: http://www-wds.worldbank.org/pdf_content/00009494600072405371429/multi_page.pdf

2. Further reading

Ágh, Attila – Kurtán, Sándor (eds.) (1995), *Democratization and Europeanization in Hungary: the First Parliament (1990–1994)*, Hungarian Centre for Democracy Studies, Budapest.

Ágh, Attila (1994), *Hungary: The Politics of Transition*, Cass, London.

Brusis, Martin – Emmanouilidis, Janis A. (2000), *Negotiating EU Accession: Policy Approaches of Advanced Candidate Countries from Central and Eastern Europe*, C.A.P. Working Paper, München.

Csefkó, Ferenc (ed.) (1998), *EU-integráció – önkormányzatok I. (EU-Integration – Local Self Governments)*, Önkormányzati Szövetségek Tanácsa, Budapest.

Ficzere, Lajos – Forgács, Imre (ed.) (1999), *Magyar közigazgatási jog. Különös rész európai kitekintéssel* (Hungarian Public Administration Law. Special Emphasis on European Aspects), Osiris, Budapest.

Goetz, K.H. – Richardson, J. (eds.) (2001), 'Executive Governance in Central and Eastern Europe', *Journal of European Public Policy* – Special Issue, December.

Jeney, Petra – Kende, Tamás – Szűcs, Tamás (2000), 'Az újonnan csatlakozó államok intézményrendszerének felkészülése az EU döntéshozatali mechanizmusában való részvételre' (Preparations of Candidate Countries' Ad-

ministrations for Participating in EU Decision-making Mechanisms), *Európai Tükör*, 2000/2.

Schmidt, Mária – Tóth, Gy. László (eds.) (1999), *Transition with Contradictions: The Case of Hungary 1990–1998*, Kairosz, Szentendre.

Verebély, Iván (1996), 'Hungary Proposes Strategic Plan to Reform the Public Administration', *Public Management Forum*, SIGMA, 1996/5.

'Területfejlesztés és az Európai Unió' (Regional Development and the European Union), *Parlamenti Reflektor*, 1999/1.

3. Journals, periodicals

Magyar Közigazgatás: a Belügyminisztérium és a Miniszterelnöki Hivatal havi folyóirata (Hungarian Public Administration: a monthly review of the Ministry of Interior and the Prime Minister's Office)

Magyar Jog: a Magyar Jogász Egylet folyóirata (Hungarian Law: monthly review of the Hungarian Association of Lawyers)

Magyarország Politikai Évkönyve (Political Yearbook of Hungary) Demokratikus Kutatások Magyar Központja Alapítvány, Budapest (appears every year)

4. Useful internet addresses

Access to the PMO and all ministries: <http://www.ekormanyzat.hu>

Ministry of Foreign Affairs: <http://www.mfa.gov.hu>

Hungarian Parliament: <http://www.mkogy.hu>

EU enlargement, information on Hungary, official documents, useful further links: <http://europa.eu.int/comm/enlargement/hungary/index.htm>

LIST OF ABBREVIATIONS

CEEC	Central and Eastern European Countries
CFSP	Common Foreign and Security Policy
COMECON	Council on Mutual Economic Assistance = CMEA
COSAC	Conference of EU Committees of national parliaments
DG	Directorate General
EC	European Communities
EG	Expert Groups
EIC	European Integration Council (Hungary)
ELTE	Eötvös Loránd Tudományegyetem University Budapest
EMU	European Monetary Union
ESDP	European Security and Defence Policy
EU	European Union
HIPA	Hungarian Institute for Public Administration
ICEI	Interministerial Committee for European Integration (Hungary)
ISPA	Instrument for Structural Policies for pre-accession
IT	Information technology
JHA	Justice and Home Affairs
MFA	Ministry of Foreign Affairs
MP	Member of Parliament
NATO	North Atlantic Treaty Organisation
ND	Negotiating Delegation
NPAA	National Programme for the Adoption of the Acquis
NPPM	National Programme for Preparation of Membership (Poland)
NUTS	Nomenclature des unités territoriales statistiques
OEA	Office of European Affairs (Hungary)
OECD	Organisation for Economic Co-operation and Development
PHARE	Poland, Hungary: Assistance for Reconstructing Economies
PMO	Prime Minister's Office
PUMA	OECD Programme on Public Management and Governance
R&D	Research and Development
RDC	Regional Development Council (Hungary)
SAPARD	Special Accession Program for Agriculture and Rural Development
SIGMA	Support for Improvement in Governance and Management in Central and Eastern European Countries
SME	Small and Medium-Size Enterprises
SSI	State Secretariat for Integration (Hungary)
SSIT	State Secretariat for Integration and Trade (Hungary)
TAIEX	Technical Assistance Information Office
TDC	Territorial Development Council (Hungary)
UKIE	Office of the Committee for European Integration (Poland)