

50 Civil Service Adaptation and Reform in the Context of European Governance, (De-) Europeanisation, and National Competition

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I. Introduction

Despite all the governance reforms and innovations during the last decades, in all the European Union (EU) countries, civil services continue to be a vital part of the systems of national and EU governance. To date, neither the EU nor the national governments have completely privatised the delivery of public tasks, no public administration works like a private company, and no civil service system has been totally aligned to private sector practices. As history also shows, countries may survive for longer periods of time without a government, but not without civil services.¹ Thus, civil services seem to be highly robust and resilient structures. Also, the EU integration process and all the EU reforms that promoted the liberalisation (of services of general interest), marketisation trends, regulatory reforms and benchmarking never had a decisive influence on the legitimacy of the national civil services. To this day, EU Member States are eager to preserve the sovereignty of their national civil services.

Still, the national civil services have nonetheless been subjected to many EU-influenced changes. Recent EU studies even discuss the need to “give renewed priority to European public goods” – new policies and initiatives in fields like defence, military procurement, foreign policy, European digitalisation, foreign economic integration, and so on, whose value to the EU countries may be higher when conducted at the EU level rather than at the national level.²

The aim of this chapter is study how EU influence changes in the context of changing governance styles, and how the civil services adapt to these EU governance changes.

Whereas in the past the impact of the EU on the national civil services focused on top-down regulatory change, and on the management of EU funds and EU programs, today European governance has become much more differentiated and flexible, and it covers a variety of governance styles and instruments. Parallel to this, national Europeanisation strategies and policies have also taken on many new features. In some countries, these Europeanisation strategies are shifting between Europeanisation, de-Europeanisation and re-Europeanisation. The adopted strategy depends on the policy or instrument at stake, and whether countries believe that new EU policies or instruments are beneficial or not. We will return to this utilitarian logic in later.

1 Demmke (2018), p. 1671.

2 Fuest and Pisani-Ferry (2019).

Moreover, the international context, as well as conditions and mechanisms for civil service change and adaptation, have fundamentally changed. As such, preparing and managing EU affairs takes place in a highly volatile and changing governance context. Since the beginning of the financial crisis in 2008, the EU finds itself in a process of constant crisis management. The COVID-19 pandemic, the climate crisis and the Russia-Ukraine war have created a completely new political landscape in Europe. This has resulted in changed attitudes towards the EU and the perception that there is a need for a closer EU integration process. Kelemen and McNamara claimed that the imbalance between the EU's strong regulatory and distributive authority and weak capacity in traditional State tasks reflects its peaceful origins: the EU lacks military and police forces, as well as fiscal autonomy and direct enforcement powers, because it never had to confront a serious military threat.³ Therefore, the war in Ukraine poses the question of whether the emergence of such a threat changes the relationship in the allocation of core State powers.⁴

EU governance is also influenced by global governance and meta-governance.⁵ The massive change in world politics also influences the incentive and rewards structures of EU membership and utilitarian considerations of the added value of EU membership.⁶ It also changes national attitudes towards the EU and the "logic of appropriateness".⁷

In the following sections, we will focus on the relationship between the changing EU governance and the adaptation of national civil services. Compared to discussions about European governance, or about national governance reforms, this topic has rarely been subject of intense discussions. For the most part, scholars either focus on the development of EU governance, or on the development of national civil service reforms.

From a methodological point of view, we start with the widely accepted theoretical assumptions that governance is changing, and that governance styles are becoming ever more flexible. Today, governance styles adapt to different policies and situations. Take as an example the categorisation of Pierre and Peters⁸ who differentiate between *étatiste* governance, networking governance, multiform and meta-governance, multilevel governance, collaborative governance, informal governance and good governance. All these different governance styles overlap with each other and are applied differently in different policy areas. For example, traditional top-down and *étatiste* styles of government are still much more common in defence policies, whereas multilevel governance is applied in the field of managing (EU funds). In turn, forms of collaborative governance (for example co-production) are applied in specific public policies (such as social policy, environmental policy) and primarily on the local level.

As we will see, the theory of differentiated and flexible governance is very well-suited for explaining the constantly changing relationship between the EU integration process and the adaptation of the national civil services.

Parallel to these challenges, the concept of European governance (which formerly focused on the classical "Community method", the top-down adoption of regulations, directives and decisions and distributive policies) has also changed since the publication

3 Kelemen and McNamara (2022).

4 Genschel (2022).

5 Pierre and Peters (2021).

6 European Court of Auditors (2020).

7 March and Olsen (1989).

8 Pierre and Peters (2021).

of the White Paper on European Governance in 2001.⁹ Today, the term (European) governance is expanding to include many different forms of multilevel governance styles in different EU policies.

The task of the national civil services is to manage the development of these different EU governance styles that are developing in parallel. How do these trends relate to each other?

II. The Concept of Change – How Does Civil Service Adaptation Happen, and Why?¹⁰

Before we enter a discussion on flexible EU governance and the impact on the adaptation of national civil services, it is important to clarify the concept of change and adaption (of civil services).

Christensen and Laegreid distinguish three sets of explanatory factors to understand the development of reform processes – environmental, cultural and polity: “In a dynamic interaction, these factors explain why reform initiatives and implementations differ around the globe.”¹¹ The strongest impetus for change is usually said to come from social, economic, organisational and technological developments, and such trends are often depicted as “universal” for all countries belonging to the Organisation for Economic Co-operation and Development (OECD), thus suggesting a preference for “universal” solutions. However, reforms are not being introduced as a result of one clearly identifiable common pressure and “of a few elite persons coming along with a bright idea. Neither the person nor the ideas appear out of a vacuum.”¹² Also, Olsen¹³ rejects the idea that a rational actor-centred frame is sufficient to explain the logics of reform processes. According to Olsen, neither actor-centred frames nor society-centred frames suffice to explain reform processes. “Institutions are simultaneously creating order and change. They are not static and do not always favour continuity over breaks with the past. Change is a constant feature of institutions.”¹⁴ However, change is always imperfect, uncertain, and leads to undesired and unexpected outcomes.¹⁵

Moreover, designing, formulating, deciding upon and implementing civil service reform tends to be characterised by negotiations amongst several political, administrative and societal actors. Depending on the issue at stake, there are “multiple combinations of actors, and these combinations depend on the context and the policy area, as well as the phase, goals, financing, implementation and functions of service delivery”.¹⁶ Thus, the design and implementation of reforms, and the associated decision-making, depend on many macro- and micropolitics variables, such as leadership, communication, teamwork, skills, perception of organisational justice, organisational culture, qualifications, age, function, ranking, experience, personal situation, and so on. Civil service reform is also not entirely rational, intentional, deterministic (caused by external forces and laws) or random (governed by the laws

9 European Commission, *European Governance – A White Paper*, 2001/C 287/01, OJ EC C 287.

10 Parts of this chapter refer to my earlier research and earlier publications about the legitimacy of civil services and the change of civil services. See Demmke (2016); Demmke (2018), and Demmke (2019).

11 Christensen and Laegreid (2016), p. 39.

12 Pollitt and Bouckaert (2011), p. 34.

13 Olsen (2016), p. 11.

14 Olsen (2016), p. 17.

15 Olsen (2016), p. 19.

16 de Vries (2016), p. 37.

of chance). Because of the grand importance of tradition (path-dependency), the conflicting nature of change processes and conflicting reform objectives, it is rare that civil service reform is solely based on simple rational, top-down strategies and ideas which are invented by political leaders. Instead, it is also determined by institutional structures, values, culture, symbols and processes. Therefore, it is easy to overstate that countries do not follow the same reform paths. Take only the case of demographic developments as a reform pressure, which is a considerable change factor in some countries (for example Japan), whereas this is not the case in other countries (for example France and Ireland).

It is equally possible that even powerful reform pressures are not necessarily translated into the same reform priorities. The latter depends on the internal forces at work: conflicts, interests, history, institutions, legal requirements, pressures, norms, values, political systems, resources, demography, and other factors.¹⁷

These considerations may support assertions that national civil service reforms are not as rational as is often suggested. Instead, they are always confronted with a historical context and institution-based, fragmented, situational and pragmatic reality.¹⁸ Overall, institutional differences – notably the levels of budgetary resources, social legitimacy, work systems, labour markets, education and training systems, work organisation and the collective organisation of employers and employees – mediate the impact of converging processes.¹⁹ Therefore, there is not only one bureaucracy but a plurality of bureaucratic systems.²⁰

For the purpose of our discussion, it is important to note that, as regards the national civil services, current trends towards flexible (European) governance are also confronted with a changing governance (and organisational) reality at the national level. Today, it is much more difficult to define the national civil services as one State-centric administrative model. For example, defining the German civil service as a career model and the Dutch civil service as a privatised or aligned model does not correspond to the much more complex reality. In reality, national organisational and civil service systems show increasing within-group variation and between-group variation that are not considered by State-centric models. They combine various elements of flexible, innovative and high-performance work systems with established Taylorist, rule-bound, and traditional bureaucratic models. In almost all countries, public organisations differ from traditional Taylorist models to high-involvement or high-job autonomy models with low hierarchies and enhanced levels of job autonomy. Next, organisational and Human Resources (HR) reforms vary from sector to sector, agency to agency, policy to policy, and are influenced by various HR strategies and innovations.²¹ The COVID-19 crisis has also supported more flexible work arrangements in all types of public and private organisations, called “new ways of working”.

Parallel to these developments, in all countries, new evidence from a growing number of disciplines such as organisational theory, organisational behavior, organisational justice, strategic management, ethics, leadership and Human Resource Management (HRM) (including engagement and motivation theories) have been incorporated into new structures, processes and policies.²²

17 Pollitt and Bouckaert (2011).

18 Demmke (2022), p. 69.

19 Demmke (2022), p. 69.

20 Bonazzi (2014).

21 Demmke (2022), p. 67.

22 Demmke (2022), p. 67.

Different organisation can be associated with various work systems and work styles and can look different in different sectors and for different categories of staff.²³ Thus, it seems the characteristics of each policy, issue or problem – and its associated policy style – are more important for explaining cross-country variation policy adoption and implementation than State-centred and uniform administrative traditions.²⁴

Consequently, one could re-phrase this challenge as: flexible EU governance meets the enhanced differentiation of national civil services!

Take the case of civil service status:²⁵ international comparisons show that the percentage of civil servants varies enormously (currently between more than 90% in Croatia and 0.5% of the total public workforce in Sweden). Overall, the percentage of civil service employment is higher at the central level than at the regional and local levels. Often, civil servants work in the central ministries, in the police, tax administration, judicial services and as judges. In most cases diplomats and soldiers have a specific and often also special status. In more countries, teachers, professors and health professionals are excluded from having a specific status. Overall, civil service jobs can range from street sweeping to the exploration of outer space. This fragmented (legal) situation has led to a situation in which countries employ public employees and/or civil servants in many different sectors, functions, jobs, areas, and so on. Overall, the distinction between the two legal regimes has become blurred during the last decades. As a consequence, more countries employ public employees and civil servants in the same posts, align working conditions amongst two (or more) groups, and restructure public employment, which often leads to a shift from public law to labour law employment.²⁶ Finally, cost-saving measures force countries to employ public employees under labour law rather than as civil servants. Moreover, especially in times of budgetary constraints, fixed-term contracts are used to substitute civil servants who are temporarily absent, e.g. in cases of sick leave, maternity leave or parental leave. During the financial crisis (2008–2013), many countries recruited fixed-term workers who replaced more expensive civil servants.²⁷ Overall these trends caused ever more inconsistencies as to the employment of public employees in civil service employment positions (and even in those cases where national civil service laws reserve specific functions only for civil servants). Therefore, in more and more cases, public employees carry out the same tasks of civil servants, in the same positions and sometimes even in the same offices. In practice, however, it is difficult to legitimise the different treatment of different employment groups in the same positions and jobs. Although many countries employ civil servants and other public employees, this distinction is becoming less decisive for deciding which tasks are carried out by whom.²⁸ The conviction is growing that public employees can exercise important State tasks just as well or as badly as civil servants under public law. Today, global consensus exists only regarding the need for a specific public status for judges.²⁹

23 Demmke (2022), p. 67.

24 Biesbroek et al. (2018).

25 Demmke and Moilanen (2013), pp. 21–67.

26 Demmke and Moilanen (2013); also Demmke (2019).

27 Demmke (2016), p. 181.

28 Demmke and Moilanen (2010), p. 192.

29 Demmke (2019). See also *Defining the Civil Service: Towards a Better Understanding of the Nature of Civil Service Systems in Europe* by A. Krzywoń in this volume.

In this context, it is easy to imagine if EU secondary law (take, for example, the so-called Whistle-blower Directive)³⁰ does not apply to civil servants (because civil servants would not be considered as workers in national law under Article 4 (a) of the directive). The result would be a legal patchwork. In some countries, the directive would be applicable to almost all public employees (like in Croatia), in others only to a few (Poland) and, again, in others to approximately 30% of all public employees in different sectors, organisations and offices. This (partly) imaginary case shows the importance of other factors that have an impact on “Europeanisation” outcomes.

Thus, we can conclude that Europeanisation as an EU-driven or EU-oriented change of the political, economic, and administrative systems is confronted with trends towards differentiation, de-standardisation and individualisation in the national civil services.³¹

Thus, adaptation and change are the result of “complexity”. For our discussion, it is important to note that external factors like the EU integration process are only one indicator, albeit important, if we want to understand the nature of national reform processes. In the following sections, we will examine this factor step by step.

III. The Relationship Between the EU Integration Process and National Civil Service Reforms

It can be stated that national civil service reform is influenced by the EU integration process and vice versa. Countries need to adapt national civil service policies to different EU governance styles and EU requirements. However, before we enter a discussion on how different governance styles influence the national civil services, it is important to define the relationship between the EU and the national civil services. This relationship can be discussed in many different ways. Answers to the question of how EU governance influences the national civil services differ according to four grand narratives.

The first narrative. Civil service systems are considered as institutional configurations that are most influenced by national history and tradition. According to Peters, administrative traditions are historically developed and relatively stable features of public bureaucracies. While these traditions gradually change over time in different contexts and for various reasons, they provide relatively stable features.³² Thus, historical traditions and cultures have a considerable impact on the modernisation paths of the national civil services. As a consequence, they also have critical implications for the concept of mutual learning and the possibility to “import” so-called best practices. Thus, the civil service is the section of the politico-administrative system of the Member States of the EU, “which has been most influenced by the respective national traditions and histories and which for a long time was least affected by European integration”.³³ As a result, the European dimension of civil services is considered to be very limited. Therefore, the typical rationality of national bureaucracies in reacting to EU requirements may be persistence-driven, meaning that

30 Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law, OJ L 305, p. 17; see also *The Development of a Legal Framework on Whistle-blowing by Public Employees in the European Union* by P. Provenzano in this volume.

31 Demmke (2020).

32 Painter and Peters (2010), pp. 3–6. See also *The Civil Service in Transition – The Ongoing Transformation of Administrative Culture* by A. Ritz and K.S. Weißmüller in this volume.

33 Bossaert et al. (2001), p. 3.

bureaucracies attempt to meet the policy obligations while minimising their institutional adaptation cost. National bureaucracies remain widely autonomous in finding appropriate ways towards policy compliance.³⁴

The second narrative. National civil services are changing (reluctantly) in specific political, legal and constitutional contexts, caused- and influenced by utilitarian considerations, conflicting logics, pressures, sanctions, path-dependency and institutional isomorphism. As regards the relationship between limited EU-competences, EU-requirements and the (relative) sovereignty of national civil services, this results in the emergence of increasing “grey areas” where Community and national competence overlap, as do EU and national policies.³⁵ As a result, national civil services are being influenced by EU-developments but are not converging towards common civil service models. Thus, the blurring of the dividing line between international politics and domestic politics, EU administrative law and national administrative law, or between EU administration and national administration, are giving way to the Europeanisation of administrative law³⁶ and to the emergence of a new “European Administrative System”.³⁷ However, these developments do not lead to the convergence of administrative systems, or the Emergence of a European Administrative Space, as suggested by the OECD in 1999.³⁸ Instead, they raise the fascinating question of how change and the EU integration process relate to institutional conservatism. This, again, requires studying the difficult relationship between historical institutionalism and institutional isomorphism. Institutional isomorphism claims that, whatever the differences in labelling public management reforms, the very existence of fashions or models indicates that public institutions are not only a result of rational, financial and technological pressures, but also of changing attitudes, norms, fashions and changing cognitive-cultural patterns.³⁹ Thus, according to the “isomorphism” logic, countries pursue similar reform paths. In contrast, historical institutionalism posits that change does not come easily, because of legacies of the past. If “the persistence model was to be supported strongly than one could not observe the degree of convergence that has been observed”.⁴⁰ Take the case of concepts like “exercising national public power” and “safeguarding the national interest”, as well as the case law of the Court of Justice as regards the question which positions fall under the exception clause of Article 45 of Treaty on the Functioning of the European Union (TFEU).⁴¹ The legal interpretation provided by the Court of Justice of the European Union (CJEU) has certainly helped to clarify the legal interpretation of Article 45, paragraph 4 TFEU and the definition of which positions exercise public powers. This jurisprudence opened up the free movement principles to employment in the national civil services. It also strongly impacted the national definition of sovereignty. However, most countries still reserve some functions for nationals. Moreover, the legal impact of the opening of Article 45, paragraph 4 TFEU should not be confused with the administrative and practical impact, which was always very limited in practice. A recent study by the French EU Presidency also shows that European or international mobility

34 Knill and Lenschow (2005).

35 Kämmerer (2001); Kämmerer (2004); Alber (2002).

36 Terhechte (2021).

37 Bauer and Trondal (2015).

38 OECD (1998).

39 DiMaggio and Powell (1983).

40 Painter and Peters (2010), p. 235.

41 Ziller (2010).

in the context of public employees' career paths is rarely valued.⁴² International mobility is also not used as a necessary condition for obtaining certain positions, or for being promoted or rewarded. Thus, the enormous "legal and political" significance of opening up Article 45, paragraph 4 TFEU is not materialised in practice.

The third narrative. Europeanisation was massive.⁴³ For a long time, the national civil services were adaptive, eager to implement and apply the EU *acquis communautaire*, and ready for change. In 2010, the British government estimated "that around 50% of United Kingdom (UK) legislation with a significant economic impact originates from EU legislation".⁴⁴ Estimates of the proportion of national laws based on EU laws vary widely in other EU Member States, ranging from 6.3% to 84%. Although Europeanisation was driven by utilitarian considerations (incentives, rewards and sanctions), countries believed in the logic of appropriateness⁴⁵ and the normative authority of the EU and its legitimacy. In particular, the impact of the EU integration process on those countries that entered the EU in 2004 and 2007 cannot be overstated.

The fourth narrative. Today, the conditions and mechanism of Europeanisation have changed fundamentally. "Europeanisation failure" is discussed very differently. In the context of the rule-of-law crisis, the failure and refusal to obey judgments of the CJEU, as well as popular EU criticism and crises associated with the EU integration process. In the meantime, concepts like negative Europeanisation or de-Europeanisation are being discussed. The logic of this debate also suggests a slow de-coupling of EU requirements and national implementation measures, trends towards EU-regression and (partly) the return of nationalism. Consequently, countries may start to shield their national civil services against EU-influence and engage in utilitarian considerations about the added-value of the EU integration process, costs of membership, and the declining importance of incentives. However, the latter trends will not necessarily lead to disintegration. According to Schimmelfennig,⁴⁶ more integration has always been combined with differentiated integration. Differentiated integration has facilitated the expansion of European integration, but it has also been the price to pay for the rapid and massive growth of the EU. As European integration has expanded into additional policies, and as additional European countries have joined the EU, European integration has also become less uniform. Therefore, current trends are towards de-Europeanisation, differentiated integration, disintegration and more integration at the same time. Overall, current trends can also be conceptualised as paradoxical integration trends. Trends towards "de-Europeanisation" are not replacing "Europeanisation" and should not be considered as the opposite of "Europeanisation". For example, de-Europeanisation will not lead to a less EU-related workload, less impact on ministerial departments or agencies, or less EU-related obligations. De-Europeanisation may better correspond with the trends towards different policy paradigms, styles, different ways of doing, and also different beliefs and norms. Hence it needs to be distinguished from dis-integration, which may, however, be a consequence of de-Europeanisation. Thus,

42 French EU Presidency, *European and International Mobility of Public Workers. Survey Among the European Public Administration Network Members (EUPAN)*, Ipsos, March 2022, www.eupan.eu/wp-content/uploads/2022/04/Summary-EUPAN-survey-2022-Mobility.pdf.

43 Woźniakowski et al. (2018), p. 6.

44 House of Commons, *How Much Legislation Comes from Europe?*, Research Paper 10/62, 10 October 2010, p. 1; <https://researchbriefings.files.parliament.uk/documents/RP10-62/RP10-62.pdf>.

45 March and Olsen (1989), pp. 147–160.

46 Schimmelfennig (2019), p. 24.

while de-Europeanisation is becoming popular, the European Commission is as active as never before in policies and issues that influence national civil services. For a number of years, the European Commission is actively engaging in the EU benchmarking of national civil services, financing national civil service reform projects, and protecting the community financial interests, which requires interfering in national anti-corruption and integrity policies. While the national civil services happily accept technical and financial support from the European Commission, they strongly resist the Commission's attempts to protect EU financial interests or announcements that it plans to interfere in national civil service practices in cases of financial irregularities and corruption.

1. Defining the Impact of Adapting EU Governance on Civil Service Adaptation

1.1. Europeanisation

Overall, EU law and policies have a direct or indirect impact on the reform of the national civil services.

For a long time, the EU focused on the adoption of secondary law directives – for the most part – in the field of anti-discrimination policies, working conditions, working time and the free movement of workers (with implications on the national civil services). Already at this time, directives could take on a highly detailed character (such as the existing anti-discrimination directive), or a very flexible character (like the directive on flexible work contracts). Overall, approaches and instruments were entirely “regulatory”. Often, these directives were still adopted in a relatively closed decision-making context that was not very inclusive or transparent, and in cooperation with the national partners and civil servants from central governments and ministries. This “Leviathan” style of governance also corresponded with the principle of separation between the legislative level (at the EU level) and implementation (at the national level). In cases of violations, the EU Commission would ultimately have the right and start an infringement procedure.

In the meantime, EU-governance modes have expanded to include ever new forms of governance styles. For example, classical top-down community methods which lead to the adoption of legally binding instruments are supplemented with informal and voluntary modes of governance, such as the creation of informal civil service networks. Changing governance styles can also be observed as regards the choice and quality of legal instruments: the nature, quality, and substance of EU secondary law have also changed. Take the case of the Water Framework Directive 2000/60/EC,⁴⁷ which is, of course, still a regulatory instrument. On the other hand, the text includes provisions for planning and coordination requirements (Articles 3, 6, 8, 11, and 13), the need to involve and inform the public (Article 14), economic instruments and incentives (Article 9), voluntary measures (Articles 9 and 22), informal requirements and broad derogation clauses (Article 4). As such, this instrument itself confirms trends towards flexible governance. It includes almost all the aforementioned governance trends – *étatiste* governance, multilevel governance, informal governance, and so on.

⁴⁷ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy, OJ L 327, p. 1.

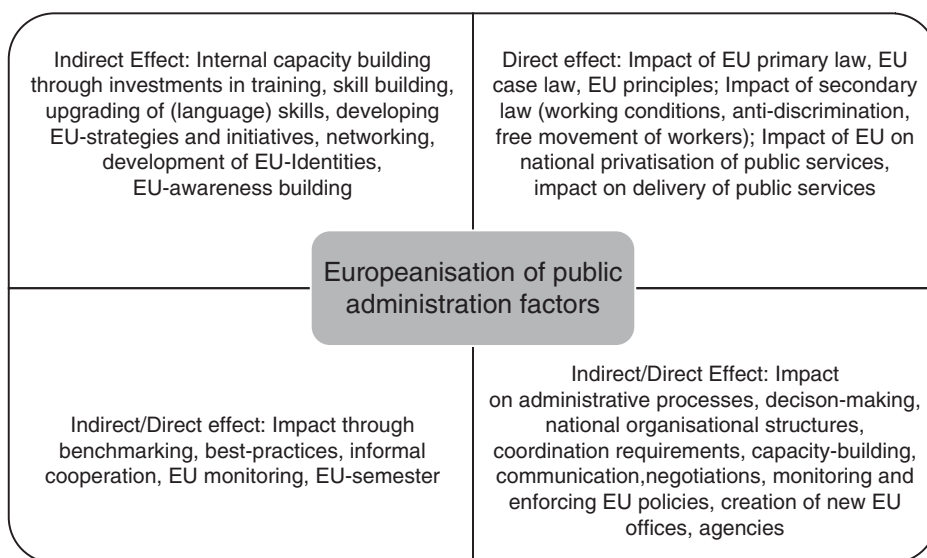


Figure 50.1 Europeanisation of national governance and civil services

Source: The author

The often-bewildering array of emerging forms of EU governance frequently go beyond traditional notions of hierarchical steering and formal coordination. Instead, one can observe ever new changing patterns of administrative dynamics, constellations, configurations and polycentric structures of governance styles and administrative cooperation. Often, it is difficult to define each of these as traditional, collaborative, networking or informal forms of governance.

Of course, forms of administrative *engrenage* always existed in the field of the implementation of EU-Structural funds. However, the various forms of multilevel governance have also changed and include ever more actors. Moreover, the European Commission has become more active than before in monitoring the implementation of structural funds at the regional and local levels. The legitimacy for doing so is evident: protecting the financial interests of the EU.

This European dimension of national governance and national civil services (Figure 50.1) was also discussed under the “label” of Europeanisation. Radaelli⁴⁸ defined Europeanisation as follows:

We define Europeanisation as the emergence and development at the European level of distinct structures of governance, that is, of political, legal, and social institutions associated with political problem-solving that formalise interactions among the actors, and of policy networks specialising in the creation of authoritative European rules.⁴⁹ (. . .) Processes of construction, diffusion, and institutionalisation of formal and infor-

48 Radaelli (2003), p. 29.

49 Radaelli (2003), p. 29.

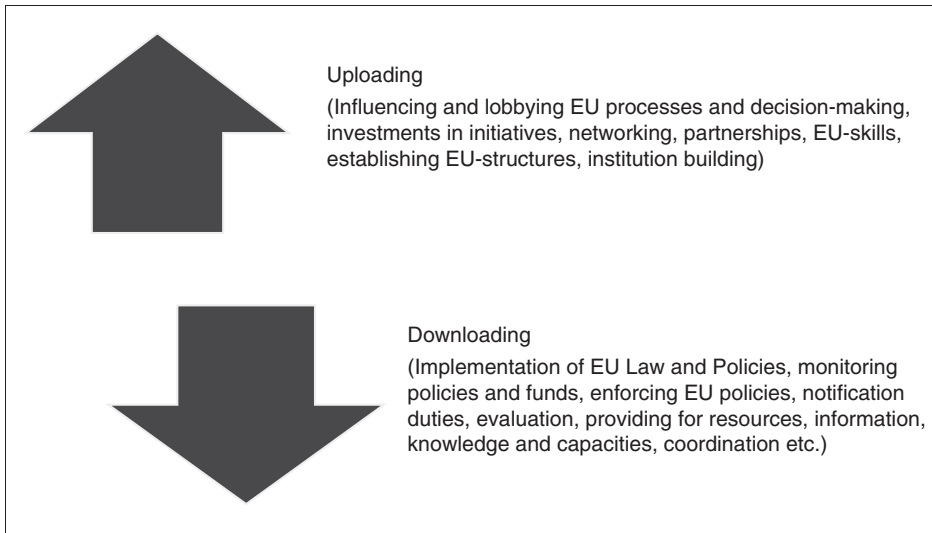


Figure 50.2 Europeanisation as uploading and downloading processes

Source: The author

mal rules, procedures, policy paradigms, styles, ‘ways of doing things’, and shared beliefs and norms which are first defined and consolidated in the making of EU public policy and politics and then incorporated in the logic of domestic discourse, identities, political structures, and public policies.⁵⁰

For a long time, the theory of “Europeanisation” was discussed as a two-way street concept (Figure 50.2): the “uploading” of national policies to the European level and the “downloading” of EU policies to the national level.⁵¹ Whereas the downloading approach concerns the impact of EU policies, legislation and processes on and in the Member States,⁵² the bottom-up approach describes the Member States’ efforts to influence EU processes and initiatives in line with national interests. In concrete terms, it is mostly about negotiating, lobbying and influencing EU processes from the perspective of the national logic. Thus, European governance is changing towards a new European Administrative System,⁵³ towards the emergence of various forms of networking governance, agencification of EU policies and new institutions, public-private bodies and actors.⁵⁴ Next, in *Verwaltungsrecht der Europäischen Union* (Administrative Law in the European Union), Terhechte⁵⁵ illustrates how EU-enforcement and networking duties in primary and secondary law (often, in directives) impact the national enforcement systems. EU

50 Radaelli (2003), p. 30.

51 Börzel and Risse (2012).

52 Risse et al. (2001).

53 Bauer and Trondal (2015).

54 Crouch (2018).

55 Terhechte (2021).

secondary law requires Member States to continuously set up new administrative bodies or change cooperation, coordination or communication patterns amongst various administrative bodies.

Thus, civil services are required to constantly adapt to new and changing EU governance styles at the EU level. This requires active and passive components. Active European capability requires the Member States to influence and lobby the EU decision-making process according to national interests. Passive European capability requires the national civil services to develop skills, competencies and resources in order to manage (positively or critically) EU affairs at the national level.

1.2. Downloading and Adaptation Pressure

The historical roots of the European integration process in the agricultural sector and the dominance of economic integration are still reflected in the high degree of Europeanisation of civil services in these policies.⁵⁶ Today, even policy areas which are predominantly subject to exclusive national competencies are affected by development on the EU level and illustrate the interaction and depth and breadth of European influences. For a long time, the most important adaptation pressure (and also cause for shortcomings in the implementation process) was seen in the level of detailedness of European legal instruments. Increasingly, criticism focused on red-tape and the poor quality of EU secondary law. Initiatives and concepts to improve the quality of EU law (often called “Better Regulation” or “Smart Regulation”) became popular, encompassed the entire legislative process and included proposals for *ex-ante* and *ex-post* legal impact and cost-benefit assessments, legal evaluations, the European Commission’s regulatory fitness and performance programme (REFIT), deregulation, re-regulation, codification measures and new proposals for administrative cooperation between legal experts and stakeholders in the preparatory phase of the legislative process.

Today, adaptation pressure arises less because of the sheer number of detailed rules. Instead, the last years have seen a remarkable expansion in the choice of other instruments at the EU level. Regulatory instruments have increasingly been supplemented by managerial, behavioural, voluntary, procedural- and horizontal instruments, benchmarking studies and country indexes/rankings. Since the adoption of the White Paper on Governance in 2001,⁵⁷ rule-making activity has declined sharply. However, this development gave rise to completely new adaptation problems and the focus of the debates shifted from legal challenges to the implementation challenge of new (informal) instruments. In fact, the shift from classical regulatory governance to new forms of informal and multilevel governance, the greater use of financial instruments, and the widening of toolboxes, including enhanced administrative cooperation, greater public participation and the involvement of more actors in decision-making processes, has led to a changing implementation landscape with new type of actors, and new power and motivation structures.

Whether these trends towards new forms of governance and the reorientation in the choice of EU instruments have resulted in less legal and administrative burdens or, conversely, in a mere change in related management and control demands, is still open for

⁵⁶ However, in the meantime, also other policies such as environmental policy and law are also deeply affected by EU activities in the field.

⁵⁷ European Commission, *European Governance – A White Paper*, 2001/C 287/01, OJ EC C 287, p. 1.

discussion. It is also unclear whether classical regulatory approaches, or a wider choice of instruments and trends towards new forms of governance, have led to more or less adaptation pressure.

Thus, trends towards new forms of European governance do not necessarily change the overall impact of the EU integration process in the various policies and sectors. As always, EU policies require the national civil services to introduce new procedures, notify EU bodies about implementation measures, inform the public, introduce control or auditing requirements, change laws, regulations or administrative circulars, and introduce new technologies. EU requirements influence the workload of civil servants, time management, skill requirements and communication channels.

All of this should not be dismissed as EU bureaucracy that differs from national bureaucracy. Even highly critical EU Member States and administrations may still be very supportive of certain EU policies, for example as regards the opportunity to receive EU structural, environmental, agricultural or social funds. Today, national governments may either be very critical towards the “EU bureaucracy”, if this does not correspond to the national “best fit”, but then eagerly support new EU initiatives, as long as they profit from these, and no matter whether this may increase administrative burdens.

In all countries, civil servants at different governmental levels are differently affected by Europeanisation. For example, one of the most detailed empirical studies on the impact of “Europeanisation” on the German administrative system concluded that 53.1% of all units within the federal ministries dealt with EU topics.⁵⁸ 29.3% of all personal resources in the ministerial departments were allocated to EU dossiers.⁵⁹ By comparison with Norway, as an associated State in the European Economic Area (EEA), Trondal⁶⁰ estimates that 7% of Norwegian ministerial officials are reporting regular contacts with the European Commission and 16% with the Norway’s delegation to the EU. By contrast, 26% of Norwegian ministries and agencies staff participate in committees in international organisations.⁶¹

Overall, national central administrations are more involved in policy formulation at the EU level and regional (and agency) employees are more involved in policy implementation. Europeanisation at the local level is characterised by a great diversity amongst towns, cities and independent cities,⁶² which also show a considerable variance in local Europe-related activities. A study by Gröbe, Grohs, and Port⁶³ concludes that

next to the direct affectedness by Europeanisation, particularly the municipalities’ institutional capacity has a major influence on a municipalities’ ability to cope with European regulation and opportunity structures. Both turned out to be the most important factors determining the variance observed in our survey. Most important, the professionalisation of Europe-related activities by the establishment of a specialised unit for European affairs seems decisive.⁶⁴

58 Felder et al. (2002), p. 7.

59 Felder et al. (2002), p. 12.

60 Trondal (2023), p. 212.

61 Felder et al. (2002), p. 13.

62 Balme and Le Galés (1997); Verhelst (2017).

63 Gröbe et al. (2022).

64 Gröbe et al. (2022), p. 21.

Moreover, the geographical location also plays a role in whether or not municipalities are being Europeanised. As such, local governments have different – and less effective – opportunity structures than national and regional governments. They lack the possibility to exercise formal and direct influence and mostly rely on “lobbying” local interests on the national route, or via international local networks. Local governments are also differently affected by EU policies and regulations than the national level. According to Gröbe and Grohs, “between 60% and 80% of European policies are implemented at the local level, absorbing more and more local administrative capacities”.⁶⁵ Of course, the focus of attention concerns the attraction and management of EU funds. However, many EU policies also restrict the local leeway. For example, time consuming notification requirements, monitoring duties, and European regulations on public procurement and State-aid.

De-Europeanisation trends are unlikely to change this logic either. Moreover, there is also no evidence that civil servants who are working in countries that engage in de-Europeanisation have different EU-related workloads than colleagues in other countries. Felder⁶⁶ concluded with regard to Germany that 9 out of 15 federal ministries have introduced specific departments for EU affairs and almost all ministries have recruited so-called European Affairs Officers (*Europabeauftragte (Bund)* and *Europareferenten (Länder)*). It is highly unlikely that a more EU-critical country like Hungary would refuse to develop and introduce these distinct structures of EU-governance only because of a more critical EU-attitude. Thus, Radelli’s definition of Europeanisation as a process of construction, diffusion, and institutionalisation of formal and informal rules, and procedures through EU membership is still applicable and “alive”.

1.3. Uploading: National Competitions Influencing the EU Institutions and Personnel Policies

As regards the uploading debate, all national civil services find themselves in a constant process of regulatory and policy competition on the EU level. According to Knill and Lenschow,⁶⁷ “pressure for institutional adjustment basically emerges from the need to rearrange and redesign national arrangements in order to enhance their effectiveness for achieving certain, politically defined objectives in comparison to the performance of other Member States”.⁶⁸

As already mentioned, we claim that this form of Europeanisation by competition has not changed in the times of de-Europeanisation. All countries seek to export their regulatory strategies, political concepts and ideas to the EU level in order to avoid misfits in the later implementation phase. Here, from a national point of view, it is most important to influence the positions of the European Commission as early as possible prior to its task to design proposals. In this phase, the shaping of EU policy initiatives becomes crucial, for example in expert groups which advise the European Commission. Given the fact that hundreds of these expert groups exist in various policy fields, this alone demonstrates the strong impact of the EU on the national civil services, the so-called Europeanisation of

65 Gröbe et al. (2022), p. 5.

66 Felder et al. (2002), p. 22.

67 Knill and Lenschow (2005), p. 123.

68 Knill and Lenschow (2005), p. 123.

national administrations. According to Blomeyer,⁶⁹ thousands of national experts were involved in 775 expert groups⁷⁰ in various policy areas.

National experts must be familiar with rules of procedures, decision-making specifics, and language regimes, learn about other national interests and priorities, and coordinate positions “at home” – horizontally within the Ministry (or Agency) and vertically with regional and local bodies (and experts). National civil servants also negotiate in later phases of the decision-making process in approximately 150–200 Council of Ministers working groups and hundreds of comitology committees. They also work in various networks, agencies and many ad hoc meetings and conferences at the EU level. Countries that engage in de-Europeanisation strategies may engage with less EU-friendly political attitudes in these hundreds of expert groups and working groups. However, they will not decide to disengage as members of these networks and become inactive, as this will almost automatically translate into losing control, influence and lobbying capacity at the EU level. De-Europeanisation would then result in less incentives, sanctions and lower “EU rewards”. Thus, it is important to distinguish between de-Europeanisation as a change of political attitude and de-Europeanisation as a form of disengagement from EU affairs. The latter form is much less likely to happen than the former.

1.4. De-Europeanisation

Our discussion so far may convey the message that it does not matter whether countries engage in Europeanisation or de-Europeanisation, and that ultimately the impact on the national civil services does not differ. However, such a conclusion would be misleading.

According to Gürkan and Tomini, the “Europeanisation perspective might be part of the ‘good weather’ literature”.⁷¹ Overall, Europeanisation literature cannot explain the declining impact of the EU’s influence on some Member States or the recent phenomenon of norm contestation in some Member States. Whereas in earlier times, countries interpreted an initial misfit between EU and national requirements as a requirement to “remedy” the misfit and adapt national processes and procedures with the aim of fulfilling the EU requirements. Today, countries increasingly consider whether or not they should remove the misfit at all.

Take the first EU-wide comparative study “Making European Policies Work” on the implementation of 17 directives.⁷² In this study, the authors stated: “The application of Community law by and in the Member States is more than a comparison of laws, more than a condition for the smooth functioning of the Common Market, it is the actual foundation of the European Community.” This study illustrated that for the effective implementation of EU law, technical, political, material, institutional, socio-cultural and procedural factors are at least as important as the choice of the legal instrument. For example, the “fragmentation of government” was identified as a key cause of implementation deficits.⁷³

This Siedentopf and Ziller study⁷⁴ found that in the Member States, EU law was applied in the same way as national law, neither more perfectly nor with specific enforcement

69 Blomeyer et al. (2018).

70 Blomeyer et al. (2018), p. 22.

71 Gürkan and Tomini (2021), p. 183.

72 Siedentopf and Ziller (1988).

73 Hauschild (1991).

74 Hauschild (1991), pp. 151–171.

deficits. This illustrated that the national civil services did not perceive EU law and national law as different subjects. Instead, predominantly Europe-friendly administrations and politics acted with a supportive attitude towards Community law. This also corresponded with the understanding that law, and thus whether EU or national law should be implemented in a spirit of neutrality, impartiality and loyalty towards the law. These findings were published only 30 years ago. Today, they read as if they had been published in a different era.

Take a more recent study by the European Court of Auditors⁷⁵ which concluded that “political considerations at Member State level contributed in certain cases to EU legal acts not being implemented or applied correctly or on time”⁷⁶

It would seem that States have not only become more critical as regards the European integration process. In fact, changing political attitudes also seem to have translated to changing administrative behaviour that is increasingly critical towards the EU. Thus, de-Europeanisation can be identified as a weakening of the EU as a normative context and as a reference point in domestic settings.⁷⁷ Indifference and scepticism⁷⁸ towards the EU is growing and translates into concrete actions – de-Europeanisation as the opposite of Europeanisation.

Schimmelfennig and Sedelmaier⁷⁹ suggest that willingness to “preparedness” and decisions to engage in (de-)Europeanisation cannot be explained without an understanding of existing incentives and sanctioning structures in the EU integration process. The incentives model suggests that Member States are willing to engage and invest in Europeanisation only if rewards exist that alter the cost-benefit calculations of domestic actors or if credible sanction mechanisms deter countries from deviating from duties and obligations.

For example, during any accession process to the EU, the willingness of candidate countries to prepare and adopt the EU’s *acquis communautaire* depends mainly on the credibility of the EU’s promise to admit candidates that comply with the membership conditions, and of its threat to exclude noncompliant candidates. In “Sustainability of Civil Service Reforms in Central and Eastern Europe Five Years after Accession”,⁸⁰ Meyer-Sahling examined the extent to which these countries have continued the reform of the civil service after accession and the extent to which their civil service systems fit the European principles of administration. The conclusion was that while countries were active in adapting the European principles in the accession phase, “only a minority of countries has made progress since gaining full EU membership in 2004”⁸¹ The study also argued that the depth of institutionalisation of European principles varies across domains and countries. Obviously, incentives to apply European principles of public administration were lacking after accession. Thus, incentive structures differ from policy to policy, and across time.

Of course, accession also adds new incentives. These may be easier access to markets, the perspective of free movement of services and persons, the eligibility to absorb new EU funding programs, or simply to gain easier access to sophisticated research programs.

Apart from the research of Meyer-Sahling, sporadic studies have been conducted on whether the current Member States have become less motivated to engage in

75 European Court of Auditors (2018).

76 European Court of Auditors (2018), p. 20.

77 Gürkan and Tomini (2021), p. 187.

78 Gürkan and Tomini (2021), p. 188.

79 Schimmelfennig and Sedelmeier (2018).

80 Meyer-Sahling (2009).

81 Meyer-Sahling (2009), p. 7.

Europeanisation because of the change of incentive structures and because incentives have become less attractive in a widening EU. Take the case of EU environmental policy. Whereas decades ago, the incentive of national environmental ministries to engage in European Environmental policy was clearly to reach a high (-er) level of environmental protection for the EU space (Article 191 TFEU), today national forerunners in the field of EU environmental policy see less added value in new environmental initiatives if ever more compromises and flexibility are needed in an EU-27 context and the quality of EU environmental law deteriorates. However, from a European point of view, differentiation through enlargement has also facilitated the expansion of the European Union and has been the price to pay for some, but a benefit for others.

Contrary to this example, the EU integration process should not only be seen as a trend towards differentiation and the decline of incentives. In fact, cases like the EU recovery stimulus package demonstrate that rewards and incentives do not simply disappear. Other prevailing incentives range from offering better trade opportunities, through access to the internal market, avoiding competitive distortions, to financial and technical assistance, research funding or Erasmus stipends. At the same time, deterrent mechanisms for non-compliance have also changed and range from (potentially) very expensive financial sanctions, lump sums and fines in the field of EU competition law to relatively modest fines for infringements of EU law in the various sectoral policies.

Thus, the readiness to invest in the Europeanisation of national civil services has become a subject of utilitarian cost-benefit assessments and is less subject to normative attitudes regarding the EU integration process. Today, the national civil services accept to “Europeanise” if they perceive the benefits of the reward to be higher than the costs for non-compliance or sanctions. The discussion about “gold-plating” is also illustrative in this context. In contrast to the past, countries are ready to implement EU policy and law on a one-to-one basis, but they have become more reluctant to over-perform and to exceed EU requirements. Overall, this suggests that “investments” in Europeanisation are viewed from a much more pragmatic perspective than in earlier times.

1.5. National Competition on the EU Level

De-Europeanisation should be distinguished from engaging in national competition on the EU level. The latter was always part of the game and has, as such, nothing to do with an anti-EU-agenda. For example, the aforementioned Siedentopf and Ziller study⁸² found that the professional preparation of Community law largely determines the success of its application. Since the Member States find themselves in the preparatory phase of decision-making in a kind of regulatory competition, influencing the initiative activities of the European Commission at an early stage and involving the enforcement actors in the preliminary negotiations of a legal act is of fundamental importance for the subsequent success of the implementation.

Today, this principle of the earlier, the better belongs to the golden rules of working and lobbying in Brussels and is widely accepted by all actors in the EU decision-making process.⁸³ This also means that, in contrast to the situation 30 years ago, countries have learned to “Europeanise” the national administrations. We will come back to this.

82 Siedentopf and Ziller (1988). See also Hauschild (1991).

83 Hardacre and Akse (2015).

From the very beginnings of the EU integration process, civil services also find themselves in a constant and “silent” competition for influential posts in the EU institutions and in different EU bodies. Nationals and national-seconded officials working in the EU institutions, agencies, and EU representations can help to shape, lobby, and implement EU policies that fit with their national, regional, and local interests, and with their regulatory styles, economies, and administrative values. They know the national culture, its system, and its priorities and are useful contact points for national politicians, lobbyists, and government officials on EU matters. They may also give early warnings to the national administrations on significant upcoming initiatives at the EU level.

Therefore, as regards personnel representativeness, the EU Member States have a great interest in being sufficiently represented at the EU level. At the same time, the objective of the European Commission is to reach an adequate level of representation of nationals from the Member States. To this end, the Commission introduced so-called weighting indicators in order to define indicative recruitment targets which should be based on objective criteria, such as the population in each country. These indicators were calculated as Member States’ guiding rates and were used until 2003. Afterwards, they were defined as indicative recruitment targets. For example, the resulting guiding rates for the Nordic Countries were 2.7%, for Sweden 2.7%. By comparison, the guiding rates for Malta were 0.6% and for Germany 13.8%.⁸⁴ Overall, the European Commission noted significant imbalances for a number of countries, but mainly for Czech and Swedish staff.⁸⁵

The term “imbalance” was defined to describe situations in which the share of nationals of one or more Member States amongst staff would be lower than 80% of the relevant guiding rate, and the so-called situation of a perfect balance. Some EU Member States are also facing a demographic challenge in their representation among the staff of the EU’s Institutions, as many senior and long-serving officials will retire over the coming years.

In the European Commission, Member States are either over- or under-represented as regards the various hierarchical levels (and *careers*) in which officials work. The situation is particularly striking in the Administrators (AD) specialist competitions. Overall, no country admits to being overrepresented in “Bruxelles” (with the exception of Belgium) and points to various and very different forms of under-representation, whether as regards the nomination for top positions, such as EU-officials, special advisers, members of cabinet, or geographical imbalances in certain EU-Institutions; or as regards the uneven employment in various decentralised agencies. In fact, countries may be over- and under-represented as regards different categories of staff, in different institutions, different EU bodies, in EU agencies in different countries, as regards the uneven distribution of nominations in top positions, or – even more complicated – as regards the employment of diverse staff groups (gender, age, disability, etc.) and the relation with geographical nominations. Nationals of different countries also face different retirement and departure challenges in the different EU institutions.

Take the case of France, which is facing the problem of being under-represented in the EU-Institutions. At the same time, however, French nationals are highly overrepresented in

84 European Commission, *Report from the Commission to the European Parliament and the Council pursuant to Article 27 of the Staff Regulations of Officials and to Article 12 of the conditions of employment of other servants of the European Union (geographical balance)*, COM (2018) 377 final, 15 June 2018, p. 5.

85 European Commission, *Report from the Commission to the European Parliament and the Council pursuant to Article 27 of the Staff Regulations of Officials and to Article 12 of the conditions of employment of other servants of the European Union (geographical balance)*, COM (2018) 377 final, 15 June 2018, p. 30.

the Court of Justice of the European Union (CJEU). As such, the CJEU is the most “francophone EU institution” because French is not only the working language of the proceedings in the Court, but also, almost exclusively, the language of the court’s administration. According to the European Public Service Union (EPSU), there exists a correlation between career prospects and the level of knowledge of French. Finally, the “seat effect” of the various EU agencies accounts for part of the overrepresentation of nationals in the different EU agencies. Other forms of over- and under-representation of nationals may change from one EU Agency to another. For example, in a resolution of 2022, the European Parliament (EP) regrets that Germans are heavily under-represented in the European Supervisory Authorities (ESAs).⁸⁶ Overall, Germany is strongly under-represented in almost all EU institutions and as regards all EU-employment categories. However, this is not the case as regards the A 9 (middle management) to A 16 (Directors-General) positions. In this category, Germany is overrepresented, but this representation rate is shifting quickly.

Another complication concerns the fact that the issue of geographical balance is influenced by the subsequent enlargements of the EU. After each enlargement, the issue of newly emerging geographical imbalances of new Member States must be addressed, and new strategies for a new geographical balance must be designed and adopted. Overall, the staff of many Central and Eastern European countries is under-represented in the EU institutions. On the other hand, these countries face much lower retirement and departure challenges than the former EU-15 countries.

Some EU Member States are facing tougher “demographic challenges” in their representation among the staff of the EU Institutions, as many senior and long-serving officials will retire over the coming years.

Overall, in many EU Member States, the reasons for the under-representation may vary and concern: lack of language skills of candidates; lack of test skills of candidates; lack of awareness of who is providing support to succeed in the *concours*; lack of information (e.g. about the timing of *concours*); lack of scholarships that prepare for EU careers (e.g. the College of Europe in Bruges); lack of motivation to apply/to move to Brussels; misfit between the national administrative culture and EU administrative culture; uneasiness because of additional requirements to combine professional/private life; other reasons (political reasons – lack of financing, lack of political support, lack of identifying and designating responsibilities).

Therefore, from a competency point of view, countries also need to make sure that they do not only focus on achieving “numbers” of nationals, but on preparing candidates with the right skills. Also, here, this requirement applies to “Europeanised” and “de-Europeanised” countries in the same way.

From the national point of view, work within the EU institutions and agencies is ever wider and requires staff with a variety of backgrounds and skill sets. Moreover, the range of workplaces is becoming wider and includes staff working in the EU institutions in Brussels, Luxemburg and Strasbourg, in EU agencies based across the 27 Member States, and in many EU representations at the global level.

All countries should also consider that the recruitment process at the EU level does not fit with national cultures and procedures (the same is true for the administrative system

86 European Parliament, *Resolution, Motion for a European Parliament resolution on the geographical imbalance among the staff of the European Supervisory Authorities and the Single Resolution Board*, B9-0368/2022.

of the EU as such). Only a few countries have *concours* like the EU *concours*. The EU Institutions do not usually recruit to fill individual posts or recruit on the basis of State-like exams. Instead, they hold regular *concours* to identify pools of potential candidates, who can then be recruited by the Institutions, but only as the need arises. Because the European Selection Office (EPSO) runs different recruitment competitions for general administrators, linguists or general assistants, the Member States must also design their recruitment strategies to target these different types of categories of staff. On 31 January 2023, EPSO⁸⁷ decided to drop oral tests from its selection procedures, as part of an important reform of the existing selection process. Future competitions should put greater emphasis on candidates' qualifications and on a set of written tests. The results of this reform remain to be seen. Most crucial is the preparation for sufficient language competencies. As already mentioned, Member States should not only focus on the *concours* because the EU is also employing non-permanent staff in the form of contract agents, temporary agents and national secondees.

In most countries, the Ministries of Foreign Affairs provide strategies, training and support for nationals who apply for roles within the EU through its EU Jobs campaign. This support includes language training, encouragement to apply for EU positions, but most of all, the provision of professional training in order to succeed in the EU *concours*. So far, no research has been conducted on the successes and failures of national strategies in these competitive recruitment campaigns. Moreover, there are no comparative overviews of national strategies to second national officials or of how these practices are funded. From a comparative point of view, it is only known that countries have set up diverse EU stream programs in order to provide a supply of national candidates who apply for the EU *concours*. Thus, EU stream programs have been set up with a double function: for persons who may be recruited to the EU, or for persons who will be assigned to national posts with a focus on EU policies across the national civil service. However, all of these technical solutions may not be enough. For example, as already mentioned, Sweden is one of the countries with the greatest under-representation of staff in EU institutions. This Swedish "problem" reveals a particular aspect of the theory of representativeness. What to do if the Swedish government wants to be represented adequately in the EU institutions, but there is no desire to be represented amongst the Swedish population, or no enthusiasm for the various EU *concours*. Thus, what if a country wishes to be represented, but the population is "not interested in being represented"?⁸⁸ For example, the low number of Nordic staff in the EU Institutions may be explained by the existence of a cultural mismatch and the fact that Nordic staff do not adapt well to life in the (presumed) French-German "bureaucratic" culture of the European Commission. However, this "argument of cultural shock does not convince",⁸⁹ since Danes and Fins are not heavily misrepresented. In reality, the Swedish case illustrates another phenomenon. Whereas representativeness is promoted by the EU institutions, some countries do not respond equally to the offer.⁹⁰ This is an important finding because the theory of representativeness does not account for patterns suggesting that (as in this case) represented groups do not wish to be represented, or reject representativeness offers.⁹¹

87 EPSO, *EPSO'S New Competition model – Information note*, 2023 (2023) 2208493 as of 27 March 2023.

88 Gravier and Roth (2020), p. 6.

89 Gravier and Roth (2020), p. 16.

90 Gravier and Roth (2020), p. 17.

91 Gravier and Roth (2020), p. 17.

1.6. *Re-Europeanisation: Financial Support and Technical Assistance From the European Commission – New Incentives for the Member States to Support Administrative Reforms*

For a long time, the European Commission demonstrated limited interest in national civil service reform. In this respect, requests for introducing administrative and institutional reforms were limited to the accession States in the so-called Copenhagen and Madrid criteria and formulated as an essential condition that all candidate countries must satisfy to become a Member State. Indirectly, civil service reform was only of interest to the European Commission as long as it enabled the national administrations to effectively implement EU laws and policies.

Today, the European Commission shows more interest in all sorts of public administration reforms at the national, regional and local levels, for example, by linking the management of EU funds at the national level with the requirement to protect the financial interests of the EU and the rule of law (the so-called conditionality mechanism). Even more strategically, in 2023, the European Commission published a Communication about Enhancing the European Administrative Space (ComPAct) (COM(2023) 667 final). This Communication acknowledges the great diversity of institutional set-ups and legal traditions and the fact that the EU has no direct competence to regulate national public administrations. Because the communication is not a legally binding instrument, all presented initiatives present a “grey zone” in which EU – and national competences overlap. Still, it has led to a revival of the discourse about Europeanisation of public administration, for example through the proposal to set up an EU Skills agenda.

For a number of years, the European Commission has also shown greater interest in providing financial support for national civil service reforms. In this respect, the Commission is actively referring to (the still relatively new) Article 197 TFEU⁹² which invited the EU to support the efforts of Member States to improve their administrative capacity to implement Union law. Such action may include facilitating the exchange of information and of civil servants as well as supporting training schemes. No Member State shall be obliged to avail itself of such support.

According to the European Commission, the capacity and resilience of the public administration at central, regional and local levels in the Member States is indeed crucial for the implementation of Union policies, budgets and funds (including the effective implementation and absorption of the so-called recovery packages that are aimed at making the Union climate-neutral, sustainable, and ready for the digital decade.

As such, this paradigmatic shift⁹³ as regards the need to actively support (and interfere) in national public administration reforms can also be explained because of new insights in the field of good governance which illustrate that “an important trait of well-functioning States are good institutions”.⁹⁴ From the point of view of the European Commission, the quality of national public administrations and good governance features are important elements and factors for the competitiveness of the European Economy.

92 Article 197 TFEU invites the EU to support the efforts of Member States to improve their administrative capacity to implement Union law. Such action may include facilitating the exchange of information and of civil servants as well as supporting training schemes. No Member State shall be obliged to avail itself of such support.

93 Ongaro (2022).

94 Ahlerup et al. (2021), p. 359.

In order to support good and competitive governance, the technical support instruments provide technical support to Member States in a wide range of policy areas, such as green transition, healthcare, governance reform, public administration reform, improvement of financial management, training, social protection, and so on.

Overall, support spreads over a number of programs and policies, such as:

- Toolkits for developing roadmaps for administrative capacity building as regards the implementation of cohesion policy programs;
- In the field of protecting the EU's financial interests, the European Commission provides assistance to managing authorities in order to detect and prevent the fraudulent use of EU funds;
- Directorate-General for Structural Reform Support (DG REFORM) is supporting and financing tailor-made technical support programs for national public administrations wishing to receive support in the field of public administration reform;
- Scoreboards and benchmarking studies about the quality of national public administrations;
- Measures to support public administration modernisation measures under the Recovery and Resilience Facility;
- Training for national officials and experts organised by the Directorate-General for Regional and Urban Policy (DG REGIO) in fields like State aid, public procurement or the prevention of fraud in European Structural and Investment (ESI) funds.

Proposed 2024 flagship (and not co-financed) technical support projects also cover an ever wider range of policies and issues such as reinforcing democracy and the rule of law and the creation of a public administration mobility exchange (PACE). As regards civil service reform, DG REFORM is the Commission's coordinating service for the broad and cross-cutting topic of public administration reform and governance. The DG aims to collect data and enhance the Commission's knowledge on public administrations in the EU Member States and the challenges they face. DG REFORM also offers so-called quality toolboxes for the Member States. For the first time, the European Commission has officially set up a group of experts on public administration and governance.⁹⁵

This type of informal support provided to the Member States, which is mostly financial, technical and data-driven, is continuously increasing. Obviously, many national civil services are eager to receive financial and technical support. However, so far, little research has been conducted on the outcomes of the various EU measures and whether and how they produce significant reform effects and (or) influence policy outcomes as such. A study by Nakrošis, Dan and Goštautaitė⁹⁶ concludes that progress in the implementation of the various administrative projects is determined by national factors rather than EU conditionalities and EU funding. Overall, the authors found only a weak link between EU financial support and the success of national projects in the field of administrative reforms. Ongaro⁹⁷ even observes a paradigmatic shift in the relationship between

95 Decision of the European Commission of 17 December 2021 setting up the group of experts on public administration and governance, Doc. C(2021) 9535 final.

96 Nakrošis et al. (2022).

97 Ongaro (2022).

the EU and the national civil services. This change will be “a step forward in the process of European integration”⁹⁸

Previous evaluations in a similar civil service network – the European Public Administration Network (EUPAN) – arrived at critical conclusions about this type of (informal) networking governance.⁹⁹ National civil services were only eager to accept EU policies in the field of national civil service reform as long as cooperation costs were contained and national sovereignty was preserved. European governance in the field of civil service was only welcomed as long as it produced an added-value, such as useful information, dialogue opportunities or financial and technical support from the European Commission.

IV. Conclusions

As discussed previously, Pierre and Peters¹⁰⁰ observe the emergence of various types of governance in different public policies and different policy contexts: *étatiste* governance, networking governance, multilevel governance, informal governance, meta-governance, and good governance. This trend towards the development of various types of governance and flexible governance can also be observed at the EU level and in different policy arenas that influence the national civil services.

- *Étatiste* Governance: The case of EU competition law. Direct top-down enforcement styles, inspection rights, and the tough sanctioning powers of the European Commission;
- Networking Governance: Since the EU Commission has no direct enforcement powers, the enforcement of EU environmental law is discussed informally in EU-national implementation networks (e.g. the European Union Network for the Implementation and Enforcement of Environmental Law, IMPEL);
- Multiformal Governance: The case of administrative cooperation amongst EU and national agencies ranges from hierarchical to informal styles and forms;
- Multilevel Governance: The Implementation of Structural Funds involves a great number of actors at the EU, national, regional, and local levels in various implementation and monitoring committees;
- Informal Governance: The European Commission is engaged in the benchmarking of the performance of the national civil services;
- Collaborative Governance and Co-Production: Increasingly, the EU is involving citizens and non-governmental organisations (NGOs) through various means, channels, and instruments (information rights, participation rights, initiative rights, direct effect doctrine);
- Good Governance: The Commission has started to threaten Member States that EU funds will be withheld in the event of conflicts of interests and corruption, in order to protect EU financial interests.

Thus, today, national and European governance styles differ from policy to policy and range from hierarchical to highly participatory styles. In each case, the impact and adaptation process on the national civil services is different.

98 Ongaro (2022), p. 1.

99 Demmke (2017), pp. 31–44.

100 Pierre and Peters (2021).

The discussion about the adaptation of the national civil services “is set in a period that has perhaps seen the most significant change of any since the late 19th century”.¹⁰¹ Most countries around the world are facing similar pressures and also seem to be interested in adopting similar management models and instruments. From the first point of view, this suggests that

a subtler conceptualisation of convergence is needed. First, convergence can take place at different stages or levels – for example, there can be convergence in debate, convergence in reform decisions, convergence in actual practices, or, ultimately, convergence in results. There is no automatic succession from one stage to the next: the momentum of convergence can (and frequently does) stall or dwindle at any point.¹⁰²

Overall, Pollitt concluded that – while there is some convergence as regards the debate and even as regards decisional convergence – there is much less convergence as regards the choice of management instruments and as regards reform results.

However, today it is unrealistic to expect that the EU integration process will result in any form of national civil service convergence. Countries constantly develop different interests and priorities, face different pressures, and focus on different policies; and they may be reform laggards and forerunners at the same time, in different areas and policies, and as regards the use and choice of different instruments. Attitudes towards the EU integration process have become more critical and follow more utilitarian approaches. Overall, adaptation and change depend very much on the changing nature of specific policy or sector-related incentives, rewards, the threat of sanctions, the design of instruments, and the choice of policy styles. In some instances, these changes have led to de-Europeanisation, but not to complete disintegration, because the latter strategy would threaten the likelihood of receiving incentives and rewards, such as EU funding schemes. Still, attitudes towards the EU integration process have become more critical than in the past. This has led governments in some countries to effectively instrumentalise the national civil services for political reasons and to de-Europeanise them. For the first time, national administrations have rejected the implementation of EU law, judgments by the CJEU, and even the duty to pay financial sanctions for non-compliance with EU law. This form of de-Europeanisation and politicisation of national civil services would have been unthinkable decades ago.

However, it would also be too simplistic to conclude that these trends have led to diversity, differentiation, regression or disintegration. Instead, we claim that trends towards flexible governance styles as a consequence of de-standardisation trends within the national civil services, are much more significant developments.

Thus, most countries do not pursue disintegration strategies. As such, Europeanisation continues, but in a context of more utilitarian and critical attitudes towards the EU integration process. Ironically, the European Commission has become more active than ever in the field of (national) public administration reform. Despite the fact that the treaties do not grant the EU legal competencies regarding the Member States’ public administration organisations and their related human resources policies, the EU Commission (DG REFORM) is active in supporting Member States in the national reform process

101 Painter and Peters (2010), p. 234.

102 Pollitt (2001), p. 933.

by offering technical assistance and financial support, engaging in governance and civil service benchmarking, and even by supporting enhanced administrative cooperation of the national civil services (through the creation of a new expert network in 2021/2022). This new, dynamic and increasing role of the European Commission in national civil service issues is in stark contrast to the aforementioned de-Europeanisation trends. Another dimension which is becoming increasingly important is to look at the impact of financial support in the field of civil service reform, EU requirements to protect the financial interests of the EU and to fight corruption and conflicts of interests, the impact of EU-wide benchmarking and data-driven rankings, and the increasing importance of policies that oblige national administrations to respect values and principles of good governance. In contrast to the past, the European Commission takes a much more active approach in the support of national reform processes.

Parallel to this, the call for a strong State and the re-investment in classical State capacities has re-appeared in the Member States, for example, in the fight against terrorism and cybercrime, and in the light of security issues, data protection, and so on. Therefore, it is most likely that new governance trends also include the return of imposition and hierarchical styles of governing and the re-emergence of the strong State, or the Leviathan. This may suggest that more countries may also return to more traditional civil service features for some categories of staff, although the legitimacy of classical Weberian civil services has been put into question throughout the last decades. In the future, more countries may want to re-apply some specific bureaucratic features that will remain in place to sustain the principles of protection (and peace), hierarchy, rationality, separation between the public and private sector, and to defend core democratic values like equality, fairness and legal security.

Thus, in the future, both the EU and national governments may want to re-introduce or continue and apply some specific “Leviathan” features in order to sustain the classical principles of government. However, expecting a simple return to classical modes of bureaucratic government is unrealistic. This also stands in sharp contrast with other trends towards internal differentiation, de-standardisation and individualisation, as well as – on the other hand – ongoing Europeanisation trends.

Thus, altogether the preceding picture presents a highly contradictory collection of developments.

Indeed, it may be most realistic to assume that the processes and features of future governance reforms differ in different policies and in different phases of the policy cycle. Thus, it may be better to talk about the emergence of flexible and varying forms of (European) governance in different phases of the public policymaking process and in different policy fields. National civil services will have to adapt to these changes, at both the national and the EU levels. As such, civil service adaptation remains – predominantly – a national challenge within a turbulent European and globalised context.

At the end of our discussions, it is time to return to the concept of change and adaptation. As we have seen, the national civil services are not static, but subject to many changes. Governance reforms and organisational reforms have led to many changes over the last years. The strongest impetus for change is usually held to come from social, economic, organisational and technological developments, rather than from one person or some bright ideas. However, the design, decision-making and implementation of reforms also depend on many macro- and micropolitics variables. Civil service reform is also not entirely voluntarist (caused by human intervention), deterministic (caused by external forces and laws) or random (governed by the laws of chance). It is the result of many forces at work:

conflicts, interests, power, history, institutions, the legal and constitutional context, pressures, norms, values, resources, and many other factors. In this context, Europeanisation is just one – albeit significant – force at work. It is rather a process that should be conceptually separated from Europeanisation as an outcome. From here, we can conclude that “Europeanisation” is (only) one factor that determines the outcomes of civil service reforms.

Flexible (European) governance and Europeanisation remain futile research concepts and should be combined with research about the quality of changing national governance styles and civil services. In the end, the ultimate question is to provide answers as to how all of these reform trends serve democracy, the rule of law, impartial governance and society as such, both at the EU and national levels. So far, however, this is indeed a black box.

Bibliography

- Ahlerup P., Baskaran T., Bigsten A. (2021), ‘The Quality of Government and Economic Growth’, in Bågenholm A., Bauhr M., Grimes M., Rothstein B. (eds), *The Oxford Handbook of the Quality of Government*, Oxford: Oxford University Press, 359–377.
- Alber S. (2002), ‘Das europäische Recht und seine Auswirkungen auf den öffentlichen Dienst’, *Zeitschrift für Beamtenrecht*, 225–244.
- Balme R., Le Galés P. (1997), ‘Stars and Black Holes: French Regions and Cities in the European Galaxy’, in Goldsmith M., Klausen K.K. (eds), *European Integration and Local Government*, Cheltenham: Edward Elgar, 146–171.
- Bauer M.W., Trondal J. (eds) (2015), *The Palgrave Handbook of the European Administrative System*, London, New York: Palgrave Macmillan.
- Biesbroek R., Lesnikowski A., Ford J.D., Berrang-Ford L., Vink M. (2018), ‘Do Administrative Traditions Matter for Climate Change Adaptation Policy? A Comparative Analysis of 32 High-Income Countries’, 35(6) *Review of Policy Research*, 881–906.
- Blomeyer R., Sanz M., Kubekova V., Beke M. (2018), *Review of Status of the Commission’s Register of Expert Groups and Their Composition*, Brussels: PE.
- Bonazzi G. (2014), *Geschichte des organisatorischen Denkens*, 2nd edition, Wiesbaden: Springer VS.
- Börzel T.A., Risse T. (2012), ‘From Europeanisation to Diffusion: Introduction’, 35(1) *West European Politics*, 1–19.
- Bossaert D., Demmke C., Nomden K., Polet R., Auer A. (2001), *Civil Services in the European of Fifteen: Trends and New Development*, Maastricht: European Institute of Public Administration.
- Christensen T., Laegreid P. (2016), ‘A Transformative Perspective’, in Van de Walle S., Groeneveld S. (eds), *Theory and Practice of Public Sector Reform*, 1st edition, London, New York: Routledge, 27–43.
- Crouch G. (2018), ‘New Ways of Influence: Horizontal Europeanisation in Southeast Europe’, in Matlak M., Schimmelfennig F., Woźniakowski T.P. (eds), *Europeanisation Revisited: Central and Eastern Europe in the European Union*, Florence: European University Institute, 38–54.
- de Vries M. (2016), *Understanding Public Administration*, 1st edition, Basingstoke: Palgrave.
- Demmke C. (2016), *Doing Better with Less? The Future of the Government Workforce*, Berlin: Peter Lang Verlag.
- Demmke C. (2017), ‘The European Public Administration Network (EUPAN): Which Contribution to the Informal Civil Service Cooperation in the EU?’, 161 *Revue Française d’Administration Publique (RFAP)*, 31–44.
- Demmke C. (2018), ‘Civil Service Reform and Ethics’, in Farazmand A. (ed), *Global Encyclopedia of Public Administration, Public Policy, and Governance*, Cham: Springer, 1671–1690.
- Demmke C. (2019), ‘The Legitimacy of Civil Services in the 21st Century’, in Peters G.B., Thynne I. (eds), *Oxford Research Encyclopedia of Politics*, Oxford: Oxford University Press.
- Demmke C. (2020), ‘Governance Reforms, Individualisation of Human Resource Management (HRM), and Impact on Workplace Behavior – A Black Box?’, 22(3) *Public Integrity*, 268–279.

- Demmke C. (2022), 'Europe-Public Management Systems and Developments', in Schedler K. (ed), *Encyclopedia of Public Management*, Cheltenham: Edward Elgar, 65–70.
- Demmke C., Moilanen T. (2010), *Civil Services in the EU of 27*, Frankfurt am Main, Berlin, Bern, Bruxelles, New York, Oxford, Wien: Peter Lang Verlag.
- Demmke C., Moilanen T. (2013), *Governmental Transformation and the Future of Public Employment*, Berlin: Peter Lang Verlag.
- DiMaggio P.J., Powell W.W. (1983), 'The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organisational Fields', 48(2) *American Sociological Review*, 147–160.
- European Court of Auditors (2018), *Putting EU Law Into Practice: The European Commission's Oversight Responsibilities Under Article 17(1) of the Treaty on European Union*, Luxembourg: Publications Office.
- European Court of Auditors (2020), 'Realising European Added Value', 3 *ECA Journal*, 1–217.
- Felder M., Grunow D., Gering T., Wolfswinkler G. (2002), 'Die Auswirkungen der europäischen Integration auf das politisch-administrative System der Bundesrepublik Deutschland. Ergebnisse einer schriftlichen Befragung der Bundes- und Landesministerien im Rahmen des DFG Forschungsprojektes "Bürokratisierung durch Europäisierung?"', University of Bremen, 2 *SVP-Papers*.
- Fuest C., Pisani-Ferry J. (2019), *A Primer on Developing European Public Goods*, EconPol Policy Report Vol. 3, Munich: ifo Institute.
- Genschel P. (2022), 'Bellicist Integration? The War in Ukraine, the European Union and Core State Powers', 29(12) *Journal of European Public Policy*, 1885–1900.
- Gravier M., Roth C. (2020), 'Bureaucratic Representation and the Rejection Hypothesis: A Longitudinal Study of the European Commission's Staff Composition (1980–2013)', 30(1) *Journal of Public Administration Research and Theory*, 4–21.
- Gröbe B., Grohs S., Porth J. (2022), 'Local Responses to European Integration: Patterns of Europe-Related Activities of German Local Governments', *Local Government Studies*, 1–23.
- Gürkan S., Tomini L. (2021), 'The Limits of the Europeanisation Agenda', in Brack N., Gürkan S. (eds), *Theorising the Crises of the European Union*, Abingdon, New York: Routledge, 183–204.
- Hardacre A., Akse E. (eds) (2015), *How the EU Institutions Work and . . . How to Work with the EU Institutions*, 2nd edition, London: John Harper Publishing.
- Hauschild C. (1991), 'Die Anwendung von EG-Recht in den Mitgliedstaaten', in Siedentopf H. (ed), 4 *Europäische Integration und nationalstaatliche Verwaltung*, 155–171.
- Kämmerer J.A. (2001), 'Europäisierung des öffentlichen Dienstrechts', *Europarecht*, 27–48.
- Kämmerer J.A. (2004), 'Das deutsche Berufsbeamtentum im Gravitationsfeld des europäischen Gemeinschaftsrechts', 37(3) *Die Verwaltung*, 353–375.
- Kelemen R.D., McNamara K.R. (2022), 'State-Building and the European Union: Markets, War, and Europe's Uneven Political Development', 55(6) *Comparative Political Studies*, 963–991.
- Knill C., Lenschow A. (2005), 'Compliance, Competition and Communication: Different Approaches of European Governance and their Impact on National Institutions', 43(3) *Journal of Common Market Studies*, 583–604.
- March J.G., Olsen J.P. (1989), *Rediscovering Institutions: The Organisational Basis of Politics*, New York: Free Press.
- Meyer-Sahling J.-H. (2009), 'Sustainability of Civil Service Reforms in Central and Eastern Europe Five Years After EU Accession', 44 *SIGMA Papers*, Paris: OECD Publishing.
- Nakrošis V., Dan S., Goštautaitė R. (2022), 'The Role of EU Funding in EU Member States: Building Administrative Capacity to Advance Administrative Reforms', 36(1) *International Journal of Public Sector Management*, 1–19.
- OECD (1998), 'Preparing Public Administrations for the European Administrative Space', 23 *SIGMA Papers*, Paris: OECD Publishing.
- Olsen J.P. (2016), 'An Institutional Perspective', in Van de Walle S., Groeneveld S. (eds), *Theory and Practice of Public Sector Reform*, 1st edition, London, New York: Routledge, 9–26.
- Ongaro E. (2022), 'The Long and Winding Road Towards the EU Policy of Support to Member States Public Administration Reform: History (2000–2021) and Prospects', *Public Policy and Administration*, 1–24.
- Painter M., Peters B.G. (eds) (2010), *Tradition and Public Administration*, Houndmills, Basingstoke, Hampshire, New York: Palgrave Macmillan.

- Pierre J., Peters B.G. (2021), *Advanced Introduction into Governance*, Cheltenham: Edward Elgar Publishing Limited.
- Pollitt C. (2001), 'Convergence: The Useful Myth?', 79(4) *Public Administration*, 933–947.
- Pollitt C., Bouckaert G. (2011), *Public Management Reform*, 2nd edition, Oxford: Oxford University Press.
- Radaelli C.M. (2003), 'The Europeanisation of Public Policy', in Featherstone K., Radaelli C.M. (eds), *The Politics of Europeanisation*, Oxford: Oxford University Press, 27–56.
- Risse T., Cowles M.G., Caporaso J. (2001), 'Europeanisation and Domestic Change: Introduction', in Cowles M.G., Caporaso J., Risse T. (eds), *Transforming Europe: Europeanisation and Domestic Change*, Ithaca, New York: Cornell University Press, 1–20.
- Schimmelfennig F. (2019), 'Differentiation and Self-Determination in European Integration', in Jordana J., Keating M., Marx A., Wouters J. (eds), *Changing Borders in Europe: Exploring the Dynamics of Integration, Differentiation and Self-Determination in the European Union*, London, New York: Routledge, 23–38.
- Schimmelfennig F., Sedelmeier U. (2018), 'The Europeanisation of Eastern Europe: The External Incentives Model Revisited', in Matlak M., Schimmelfennig F., Woźniakowski T.P. (eds), *Europeanisation Revisited: Central and Eastern Europe in the European Union*, Florence: European University Institute, 19–37.
- Siedentopf H., Ziller J. (1988), *Making European Policies Work: The Implementation of Community Legislation in the Member States*, vol. 2, London: Sage Publications.
- Terhechte J.P. (ed) (2021), *Verwaltungsrecht der Europäischen Union*, 2nd edition, Baden-Baden: Nomos.
- Trondal J. (2023), "'Let's Organise": The Organisational Basis for Stable Public Governance. Public Administration', 101(1) *Public Administration*, 201–220.
- Verhelst T. (2017), 'Processes and Patterns of Urban Europeanisation: Evidence from the EUROCITIES Network', 10(1) *Territorio della Ricerca su Insediamenti e Ambiente*, 75–96.
- Woźniakowski T.P., Schimmelfennig F., Matlak M. (2018), 'Europeanisation Revisited: An Introduction', in Matlak M., Schimmelfennig F., Woźniakowski T.P. (eds), *Europeanisation Revisited: Central and Eastern Europe in the European Union*, Florence: European University Institute, 6–18.
- Ziller J. (2010), 'Free Movement of European Union Citizens and Employment in the Public Sector', *Report for the European Commission*, Brussels: European Commission.