

Differentiated Integration in a Nordic Perspective

Edited by Anne Pintsch, Tor-Inge Harbo and Lars Oxelheim

With a Foreword by Alexander Stubb

First published 2025

ISBN: 978-1-032-69101-5 (hbk)

ISBN: 978-1-032-69919-6 (pbk)

ISBN: 978-1-032-69921-9 (ebk)

Chapter 5

Differentiated representation of Nordic staff in the EU institutions

Christoph Demmke

(CC-BY-NC-ND 4.0)

DOI: 10.4324/9781032699219-7



Routledge
Taylor & Francis Group
LONDON AND NEW YORK



UACES

5 Differentiated representation of Nordic staff in the EU institutions

Christoph Demmke

Introduction

Mostly, public discourses about the role of Nordic countries in the EU integration process focus on economic, political, cultural or legal issues. Contrary to this, the personnel dimension of ‘managing the EU integration process’ is largely neglected. This is surprising because personnel capacities and skills in Brussels are decisive for the effective management of national EU affairs. Nordic administrations find themselves in a continuous competition, for example, as regards recruitment policies for officials on the EU level, in advisory bodies to the EU, in EU agencies, as regards the secondment of national experts to the EU, the nomination of national cabinet members and special advisors to EU Commissioners, etc. Overall, Nordic countries try to secure national influence in the context of a fragmented employment system on the EU level. This chapter deals with differentiated representation of Nordic officials in the EU institutions. It will be argued – according to Anne Pintsch’s (2025) argumentation in this volume – that Nordic countries have become a laboratory of such differentiation. While differentiated representation has recently been discussed with regard to the European Parliament (Heermann and Leuffen 2020; Curtin and Fasone 2017), this chapter looks at de facto imbalances amongst Nordic staff in the EU bureaucracy and the resulting dilemmas. However, we will also discuss the commonalities amongst the Nordic countries, as all of them face similar challenges. This constitutes a fascinating special case of de facto ‘common experience of’ differentiation, which is not related to non-compliance (Hofelich 2022), because underrepresentation of EU staff does not constitute a breach of EU law by the Member States. Such differentiation is problematic from various perspectives. On the one hand, from a perspective that understands the world as a ‘set of parts’ and their integration in terms of structural connectedness (March 1999, 134–5), underrepresentation can be seen as entailing a looser coupling of the respective member state to the EU institutions. Also the theory of representative bureaucracy views this kind of de facto differentiation as problematic, but states that there are no easy answers to address it.

The Nordic EU states struggle with increasing underrepresentation, as all of them face exceptionally low numbers with regard to recently employed Commission staff (Pekkala et al. 2023a, 1, 4). As such, the reasons for this situation are manifold. However, amongst others, the EU recruitment system and the EU administrative culture as such are blamed for this situation. This, in turn, may strengthen anti-EU sentiments.

Since the Kinnock reforms at the beginning of the century, a shift is taking place from a stable and rigid bureaucratic EU career system model towards a more politicised, pluralised, flexible and ad hoc employment system (which, again, is surrounded by a large group of management consultants, lobbyists and consultation bodies). As a response, countries design specific national strategies for various categories of staff, for example for EU officials, seconded national experts, special advisors, temporary agents or traineeships in order to remain competitive. This fragmented and hybrid employment system on the EU level has opened new doors for national influence, for example as regards the recruitment of temporary staff in various externalised EU bodies and EU agencies. The developments also illustrate that the image of a closed and neutral EU bureaucracy is a myth rather than empirical reality.

Overall, the case of Nordic differentiated representation in the EU employment system also illustrates a huge dilemma: Within the fragmented employment context on the EU level, it is the responsibility of the EU institutions (and the European Personnel Section Office – EPSO) to balance conflicting principles and values. On the one hand, the EU Commission is in demand for national expertise, must be politically responsive to national interests, support diversity and follow principles of democratic representation. On the other hand, recruitment policies should follow and apply merit-based and impartial recruitment and appointment principles and be unresponsive to various recruitment interests. Thus, especially, the ideal of a merit-based and impartial EU bureaucracy may be violated by national demands for geographical representativeness and balance. Understandably, all EU countries believe that the perspectives and cultures of all Member States must be taken into account when EU policies are being formulated and decided in the EU institutions. In fact, discrimination on the basis of nationality is prohibited by the Treaties, the Charter of Fundamental Rights and the Staff Regulations. Moreover, the Staff Regulations require that EU institutions recruit staff from the broadest possible geographical basis (European Union, 1962, SR, Article 27). On the other hand, recruitment of new staff must conform with the merit principles and be carried out impartially. However, from the point of view of the Commission, it is also imperative to take nationality into account, to aim at geographical balance in recruitment policies while also respecting the principle of merit during the EU recruitment processes.

The EU Commission is interested in recruiting the brightest, most skilled and talented applicants for EU posts, notwithstanding from where they come from. Again, recruiting EU officials and EU employees on the broadest

possible geographical basis is also central to the legitimacy and functionality of the EU institutions, and therefore a topic of the highest political importance.

The political project of the European Union (EU) rests on the fact that the composite European polity respects its components: the member States. This political ‘contract’, as phrased by Ernest Renan, represents a fundamental source of legitimacy for the EU. Jean Monnet’s *Mémoires* (1976) are rich in anecdotes showing the complexity of decisions regarding, for example, the location of institutions or the amount of staff in institutions so as to reach a fair level of representation.

(Gravier and Roth 2020, 4)

Today, the problems of achieving geographical balance in the recruitment of nationals in the EU institutions, EU bodies and EU agencies can be seen as causing legal, political and economic challenges. Increasingly, this also concerns ethical questions, the management of diversity and anti-discrimination policies and questions of political legitimacy.

When carrying out research about geographical imbalance and differentiated employment it is well justified to focus on the European Commission as the main actor but also as the main target for national influence and politicisation. Overall, the national management of EU recruitments takes place in a highly complex, volatile and changing context. For example, as it seems, Portugal lost 6.75% of employees in the EU within four years. As an immediate response, the Portuguese Government allocated one million euros in 2023 to increase the number of Portuguese workers in European institutions through civil service postings, training and study grants (Publico 2023).

In many respects, it is not easy and straightforward to explain the over- or under-representation of countries. For example, in the ‘Portuguese case’, one explanatory factor for the decline of Portuguese employees in the EU is that Portuguese applicants in the EU concours succeed in the knowledge tests but not as regards the soft skill tests.

Thus, successes and failures in the various EU recruitment processes are linked to various explanatory factors. As such, countries become increasingly aware that they should pro-actively influence the EU recruitment process from a national point of view. In this context, it is also vital to design and implement a sound and professional national EU employment strategy, which takes into account the need to develop internationally required competences, skills, the knowledge of languages and international (negotiation) cultures. Member States also invest in awareness raising campaigns about employment opportunities on the EU level. Finally, Member States are increasingly aware about ever-new and changing job opportunities in newly emerging EU networks, and in EU agencies on the EU and the national levels. Thus, managing EU recruitment policies is a shared and shifting challenge for both the EU Commission and the Member States. Increasingly, the topic is also easily abused for populist

interests who use the topic of differentiated integration (and the lack of national representation) as an argument against the EU integration process.

Recruitment policies and representativeness on the EU level

Despite the importance of the topic and the urgent need to address the conflict between the need for geographical balance and differentiated recruitment practices, existing research has focused on recruitment procedures on the national level (Bossaert et al. 2001), in EU agencies (Egeberg and Trondal 2017) and as regards the nomination of EU top officials (mostly EU Commissioners).

The theory of representative bureaucracy (early founders are Kingsley 1944; Mosher 1982) suggests that a public workforce representative of the diversity of people, for example, in terms of race, ethnicity and sex, will ensure that the interests of these groups are also represented in bureaucratic decision-making processes. So far, few studies have started using the theory of representative bureaucracy in the context of the European Commission. One study has focused on gender representation. Two studies have analysed the Commission's staffing policy design (Gravier 2008, 2013). A further study has analysed the impact of representation on the Commission's recruitment procedures, in particular on recruitment profiles (Christensen, van den Bekerom and van der Voet 2017). Finally, Gravier and Roth (2020) analysed the evolution of the staff composition of the European Commission from 1980 to 2013 using the theory of representative bureaucracy.

Generally, the vast amount of literature on political partisanship, patronage and politicisation (Peters and Pierre 2004; Dahlström 2012; Dahlström, Lapuente and Teorell 2012; Dahlström and Holmgren 2015; Kopecký et al. 2016; Meyer-Sahling and Mikkelsen 2016) agrees on the relevance of political loyalty for politicians while paying only limited attention to other criteria for the selection of top officials such as experience, qualification, competence, technical and networking skills in a specific policy area, etc. Overall, there is no research on the ethical dimension of appointment procedures, both in theory and in practice. Experts rarely address what is perhaps the most crucial question in politicisation research: Does 'partisan accountability' drive out other (meritocratic, representative, diversity, equal opportunity, etc.) criteria of recruitment? Where is the dividing line between acceptable forms of (national) 'politicisation' and the need for merit based and impartial approaches? (Meyer-Sahling et al., 2015).

Despite current forms of politicisation in national and EU recruitment processes, all Member States and EU institutions consider that the recruitment and appointment of (top) officials should be based on the principles of rule of law, impartiality and merit. They agree that no civil service regime should allow for politicisation and responsiveness. Even if responsiveness to political interests is seen as important (and, therefore, creating dilemmas), it is subordinated to the principles of rule of law, impartiality and merit (Christensen & Opstrup, 2018).

Thus, from a utilitarian point of view, too politicised and non-merit-based structures are open for criticism because they are less efficient and less effective than merit-based practices. Even more, employees who are selected and managed based on merit, as opposed to political patronage and nepotism, present many benefits: Hiring people with the right skills for the job generally improves performance and productivity, which translates into better policies, and better services for citizens. Meritocracy also reduces corruption and opportunities for patronage and nepotism. Merit systems provide the necessary foundations to develop a culture of integrity, are linked to higher levels of trust and bring in better qualified professionals. When people are appointed for non-meritorious reasons, they may be less likely to see the position itself as legitimate, but instead as means to achieve more personal wealth through rent-seeking behaviour. So, there is also a motivational quality about merit systems which reinforces public service. Another way that meritocracy reduces the risk of corruption is by providing long-term employment. This tends to promote a longer-term perspective to decision-making which reinforces the employee's commitment to their job and makes it less tempting to engage in a short-term opportunism presented by corruption. The separation of careers between bureaucrats and politicians is also shown to provide incentives for each group to monitor each other and expose each other's conflicts of interest and corruption risks. Conversely, when the bureaucracy is mostly political appointments, loyalty to the ruling party may provide disincentives for the bureaucracy to blow the whistle on political corruption (OECD 2017, 35).

For all of these reasons, all EU countries and institutions subscribe to the idea that recruitment and appointment procedures should not be overly politicised. Exceptions only concern – to some degree – the appointment of top officials. Thus, for all countries and the EU institutions, the following considerations apply: Recruitment and appointment systems are embedded in a system where nobody is above the law, whatever rank or condition and all are subject to the same law administered in the same courts (Bingham 2011) and to the principle of equal opportunity of chances (Rosanvallon, 2017). Moreover, the merit principle requires staffing processes to be based on ability rather than social and/or political status. Thus, people involved in the recruitment and appointment process should be unmoved by certain sorts of consideration – such as special relationships and personal preferences (OECD 2017, 12). However, such a rational position underestimates the growing (ethical) complexity of EU appointment and recruitment procedures as soon as these are linked to the issue of national representativeness and regional balance of national recruits on the EU level.

Today, no country admits to be over-represented in 'Bruxelles' (with the exception of Belgium). Instead, the EU Member States point to various and very different forms of underrepresentation: Be it as regards the nomination in top positions, as EU officials, special advisors, members of cabinet, geographical imbalances in certain EU institutions (such as the 'French-speaking'

European Court of Justice) or as regards the uneven employment in various decentralised agencies.

In fact, as we will see, countries may be over- and underrepresented 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 also facing the problem of being underrepresented in most EU institutions. However, French nationals are highly overrepresented in the European Court of Justice (ECJ). As such, the ECJ 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), ‘it further seems that there is a correlation between career prospects and the level of knowledge of French’. Finally, the ‘seat effect’, i.e., the fact that the geographical placement of an agency also favours the employment of persons from this region, of the ECJ in Luxemburg accounts for part of the over-representation of French and Belgium nationals (EPSU 2019). Other forms of over- and underrepresentation of nationals may change from EU agency to EU agency. For example, in a resolution in 2022, the European Parliament (EP) regrets that Germans are heavily underrepresented in the European Supervisory Authorities (ESAs) (European Parliament 2022). Overall, Germany is strongly underrepresented in almost all EU institutions and as regards all EU employment categories. However, this is not the case as regards the A9 (middle management) to A16 (Directors-General) positions. In this category, Germany is over-represented.

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 underrepresented in the EU institutions. On the other hand, these countries face much lower retirement- and departure challenges than the former EU-15 countries.

These few cases illustrate that the discussion of ‘geographic balance’ in the field of EU employment is not only a sensitive topic. Instead, it is also a highly complex issue without easy answers. Almost all countries argue that they are underrepresented. All EU Member States try to increase national influence and believe it is the Commission’s responsibility to propose and implement corrective measures. On the other hand, the European Commission is convinced that it is the responsibility of the Member States to prepare nationals better in order to succeed in EU competitions.

Overall, the issue of geographical balance has developed into a highly politicised issue in the context of an ever-complex system of European multi-level employment governance system which – continuously – generates new forms of geographical imbalances in various EU institutions, EU bodies, EU agencies, and/or in EU networks. Whereas some countries may be temporarily over-represented in some EU institutions, they may be temporarily underrepresented in some EU agencies. This situation also applies to the Nordic Member States Denmark, Sweden and Finland.

Empirical reality – how to measure geographical balance?

For a long time, the objective of the European Commission was 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 the same for Finland and Denmark (both 1.8% of all recruits) and 2.7% for Sweden. By comparison, the guiding rates for Malta were 0.6% and for Germany 13.8% (European Commission 2018).

The term ‘imbalance’ was defined for situations in which the share of nationals of one or more Member State amongst staff would be lower than 80% of the relevant guiding rate and the so-called situation of a perfect balance. As Sweden’s guiding rate is 2.7% (one and a half times greater than those of Denmark and Finland), and recruitment objectives were set proportionally. For example, in the case of Sweden an imbalance would correspond to lower than 2.26% of staff. Again, figures for Finland were comparable to those of Denmark (the imbalance would be at 1.44% and lower of EU staff) and the Commission’s objective was set to recruit a similar number of Finnish nationals as that of Danish nationals present in the service.

In the following years, i.e., from 2010 to 2022, Sweden performed particularly unsatisfactorily in the generalist and specialist EU concours for the highest career officials (AD-officials) in the EU Commission. This resulted in a ‘significant imbalance’ of Swedish staff (COM 2018, 30). Between 2014 and 2021, Sweden with a population of roughly 10 million inhabitants had 3,078 applicants (in the general concours) and only 16 passed the concours (Pekkala et al. 2023b). Amongst all EU countries, Denmark performed even worse (2,185 applicants and 7 passed, Pekkala et al., 2023b). By comparison, Finland performed much better (3,875 applicants and 16 passed), but also not particularly well from a European perspective (Pekkala et al. 2023b). Thus, more recent figures (European Commission 2022; General Secretariat of the Council of Ministers 2022a; General Secretariat of the Council of Ministers 2022b; Pekkala et al. 2023b) show that Finland performed better than Denmark and

Sweden (and even more in the specialist concours, Pekkala et al. 2023b). As regards current employment patterns, in total, 323 Danish officials, temporary agents and contract agents, are employed by the European Commission. By comparison, the number for Finnish nationals is 499 and for Sweden the number is also 499 (European Commission 2022). When narrowing down the analysis and focusing only on mid- to top-officials (AD 05-AD 16 officials), the Commission employed 224 Danes, 341 Finns and 376 Swedish officials (General Secretariat of the Council 2022a). However, in the top group of A 9 to A 16 top-officials, Sweden is strongly underrepresented with 32 officials whereas Finland (38) and Denmark (33) perform relatively good (General Secretariat of the Council 2022a). Thus, again, by comparison with its Nordic neighbours, Finland is performing not particularly well as regards employment in the lower ranks of AD officials, but relatively well as regards the top positions (and much better than Sweden).

However, this situation is likely to change as more Finnish officials will retire in the EU institutions and also in EU agencies than Swedish officials and Danes. As regards departures due to retirement, the situation looks much better for Denmark and worrying for Finland (Pekkala et al. 2023b, 33).

Thus, it can be concluded that Sweden has a much bigger ‘current representative’ problem than Finland and Denmark. Amongst the Nordic countries, Sweden has by far the greatest ‘imbalance’ problem. However, the problems shift in time and Finland will also face greater problems in the future, due to the retirement challenge. Between 2023 and 2027, an average of 29 Finns will leave institutions and agencies per year, which is one more than what has been recruited in eight years. Retirement will probably continue to be significant well into the 2030s. Finland should no less than sevenfold the number of applicants to maintain the current situation: from an average of 600 applicants, more than 4,000 applicants should be admitted per year (Pekkala et al. 2023b, Introduction). Still, it should be noted that almost all EU countries face particular challenges from particular perspectives. For example, Belgium has huge applicant-and also success numbers in the various EU concours, but also a huge retirement challenge. Or, Germany is ‘hopelessly’ underrepresented in the EU institutions, but performs relatively well as regards the number of retirement departures (Pekkala et al. 2023b, 33). Still, the 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? What if a country wishes to be represented, but the population is ‘not interested in being represented?’ (Gravier and Roth 2020, 6). Ban (2013) explained the low number of Nordic staff with the existence of a cultural mismatch and the fact that Nordic staff did not adapt well to the life in the ‘bureaucratic’ culture of the European Commission. This refers in particular to the perceived importance of ‘impartiality’ or ‘neutrality’ and in that regard the ‘professionalism’ of the bureaucracy in the Nordic countries and – vice versa – a certain dislike for the importance of ‘politicisation’ in the EU administration.

However, this ‘argument of cultural shock does not convince’ (Gravier and Roth 2020, 16) in the case of Denmark and Finland. However, the Swedish case illustrates another phenomenon. Whereas representativeness is offered by the EU institutions, the EU Member States and, particularly, the Nordic States Denmark, Finland and Sweden do not respond equally to the offer (Gravier and Roth 2020, 17). This is an important finding because the theory of representativeness does not account for patterns in which (like in this case) represented groups do not care to be represented (Gravier and Roth 2020, 17).

Moving from this state-centric (and nationality-based) to a regional (and population-based) approach illustrates additional employment patterns as regards the nomination of EU top leaders (mostly the presidents of the Commission, Parliament, Council and Central Bank, and Directors or top officeholders of EU agencies). A study by European Democracy Consulting (2021) evaluated the evolution of appointments as regards top jobs in all EU institutions, advisory bodies and agencies. Overall, the study examined 72 institutions, 89 positions, and close to 500 office holders (Presidents, Secretary-Generals, Directors-General or Directors) from 1952 to 2020. According to the results, southern Europe (defined as the territory including Portugal, Spain, Greece, Italy, Cyprus and Malta) is roughly represented in line with its population, but strongly over-represented compared to its number of Member States or when discarding EU agencies. Northern Europe (defined as including Sweden, Denmark and Finland) achieves fair representation in terms of Member States and far exceeds it in terms of population. The study concludes that Central and Eastern European States only perform well as regards top nominations in EU agencies and Western European states dominate. Northern Europe is also rather stable and experienced a slow increase, with appointments rising from 8.5% (2004) to 11.7% (2016). When calculating numbers of appointments and mandate durations in proportion to each region’s number of Member States, Western Europe experienced a notable drop in its representation, owing to the region’s relatively large number of States. However, it still remained far ahead of other country clusters in terms of representation, including around twice the representation of the second most-represented region, Southern Europe. Northern Europe, by contrast, more than doubled its representation (from 6.8% to 14.8% of appointments and from 7.5 to 16.5% of mandate durations). Overall, Central and Eastern Europe remained largely underrepresented. Another 2022 survey (European Democracy Consulting 2022) confirmed three major conclusions of the previous study: the overall combined dominance of Western and Southern Europe, together receiving over 80% of all appointments since the EU’s 2004 enlargement, and over 90% of appointments to EU institutions – the most prestigious and publicly visible positions; the unique situation of Northern Europe, with a limited representation in absolute numbers, but far outpacing all other regions when adjusting for population sizes; and the clear and continued underrepresentation of Central and Eastern European citizens since their accession to the EU (European Democracy Consulting 2022).

Regional imbalances and differentiated employment figures – who is responsible?

Theoretically, differentiated representation of Member States runs counter to the interests of both the Member States and the European Commission. According to the theory of representative bureaucracy, ensuring a balanced level of national presence in the EU's institutions contributes to the EU's legitimacy. From a national point of view, the theory of representation implies that the (socio-) demographic composition of EU staff impacts on the output of the administration. During the last decades, the theory was broadened and also included ethnic origins, gender, life experience, etc.

Thus, if geographical balance is a win-win situation, how can differentiated representation be explained? And who takes responsibilities for recruitment gaps and geographical imbalances? Is *representation* the responsibility of the European Commission, for example as regards the implementation of the national guiding rates for EU staff? If so, does this also suggest that the Commission is required to intervene (politically) in the EPSO recruitment procedures and enhance the politicisation of the recruitment outcomes? Or, differently, is it rather the task of the national governments to make sure that more and better skilled candidates apply for the EU concours? Of course, the Commission cannot force EU citizens to apply for the jobs it opens. On the other hand, Sweden may be rightly concerned about the Swedish staff imbalance in the EU. As such, Sweden has many possibilities to incentivise Swedish people to apply for EU jobs. On the other hand, Sweden can also not force citizens to apply for EU jobs, if they do not wish to apply. Despite all existing challenges, Sweden started to invest in government strategies in order to increase the very low number of Swedish officials in the EU (Regeringskansliet 2023). The new measures mentioned in the Strategy include, among others: more funding for the Swedish Council for Higher Education (Universitets- och högskolerådet) to promote employment in the EU through internships and career days; a larger information campaign targeted at selected Swedish authorities; increased strategic collaboration between Sweden's representation in Brussels, the Prime Minister's Office (Statsrådsberedningen) and the ministries as well as various authorities in Sweden; better use of the skills of officials who return from Brussels, increased funding to the Government Office (Regeringskansliet) so that more officials can serve as national experts in the EU, and a high-level full-time position at the Swedish Representation in Brussels to follow up on the measures (Regeringskansliet 2018).

From the point of the European Commission, the perception of the problem is different than the national logic. The European Commission must consider a much wider and more complex picture of the problem. Many countries complain about observed imbalances. In fact, many imbalances can be explained by different reasons. These reasons range from the so-called 'seat' effect, the composition of EPSO lists, the (in-)ability to attract candidates from specific Member States, the poor preparation of national candidates, fluctuating waves of retirements to the relative size of the linguistic services. Next, EU

agencies are located in cities across the EU and their sphere of activities and skill requirements of staff are highly specialised. Agencies also display significant differences from one another in terms of size, scope and location. For these reasons, neither the Commission nor the agencies themselves find it appropriate to have a common approach on the issue of geographical balance. The European Commission has little control about recruitment practices of various EU agencies. Looking at this situation, it is important to better assess geographical balance in other EU bodies and services and in decentralised EU agencies.

Thus, reasons for underrepresentation are very complex and also ‘differentiated’. According to the European Commission, this differentiated representation of EU staff is due to internal weaknesses.

In this context, it is important to note that the shortage of laureates for some nationalities is not due to merit but rather to lower-than-expected participation in competitions. EPSO has already tried to encourage citizens from ‘deficit’ Member States to participate in AD competitions. However, to date, such efforts do not seem to have produced the desired results, as shown by the distribution of applicants to the most recent and ongoing AD competition (...). German and French nationals continue to participate at less than half of the average rate. Dutch participation has gone up but the participation of Swedes and Poles has substantially decreased.

(European Commission 2018, 9–10)

This interpretation of developments is, however, heavily disputed by some Member States. For example, an intergovernmental non-paper, issued by the Member States Austria, Czech Republic, Denmark, Finland, France, Germany, Ireland, Luxembourg, the Netherlands, Portugal and Sweden in 2018, noted with greatest concern that numerous nationalities among Commission officials are in a situation of significant imbalance or in a likely position to face such a situation due to the future retirement waves. The non-paper underlines that many of these imbalances are most likely to further aggravate in the future and that the existing and impending imbalances cannot be redressed in a foreseeable and acceptable timeframe during the normal course of fluctuation among Commission staff. The 11 Member States conclude that adequate corrective measures must be taken by the Commission in order to redress geographical imbalances as soon as possible. The undersigned Member States ask the Commission and EPSO to consider the implementation of (a) Quantified target numbers for recruiting staff from significantly underrepresented Member States from the reserve lists, comparable to the Commission’s goal of 40% women among all management positions; (b) Provided that this is budgetary neutral and as a limited and targeted measure, making more flexible use of higher entrance-level selection procedures where adequate, in particular in order to attract and offer more interesting career perspectives to highly qualified candidates with more work experience and with particularly sought-after

qualifications also from Member States with highly competitive labour markets; and (c) while keeping up the current general and special selection procedures open to all Member States, and as long as significant underrepresentation exist, examine the possibility of organising in specific circumstances nationality-based selection procedures open to nationals of significantly underrepresented Member States (Intergovernmental non paper 2018).

The intergovernmental paper also notes that ‘while it is in principle desirable to reach geographical balance over all categories and functions of Commission staff, it is particularly important that geographical balance is reached among AD staff and for contract agents’. Countries also request a

higher use of recruiting temporary agents and Seconded National Experts from significantly underrepresented Member States to all grades and functions (including managerial functions) and examining the possibilities to facilitate access to internal Commission selection procedures for these categories of staff from significantly underrepresented Member States.

Coming back to our initial discussion about appointment and recruitment policies, it is unclear how the implementation of these measures would further impact on the EU staff regulations and lead to even more fragmentation of employment categories and a hollowing out the officialdom in the Commission. Also, the suggestion to organise nationality-based selection procedures open to nationals of significantly underrepresented Member States may easily be in conflict with the principles of anti-discrimination, open and merit-based recruitment policies. On the other hand, the Member States have good reasons to request the European Commission to engage in an ‘innovative’ discourse about the issue of geographical imbalance. Since the responsibilities for representation are shared, countries and the EU Commission are required to work closely together when addressing the issue of geographical imbalances. Overall, the Member States’ request potentially opens room for more experimental governance in the realm of recruitment and for addressing undesired representative differentiation (cf. introductory chapter to this edited volume).

Geographical imbalance of nationals and geographical imbalance of diversity

As already discussed, theories about representative studies have broadened the scope of underrepresented groups to other ‘essential’ characteristics such as ethnic origins, gender, sexual orientation and life experiences. Compared to these developments, the current debate about geographical imbalances is still heavily focused on state centric approaches and terms like ‘nationality’ and ‘citizenship’. As a consequence, the discussion heavily centres around the need for more persons with national citizenship from underrepresented countries in Brussels. However, it does not address the ‘Who’ question? More Swedish women, more Swedish women with double nationalities? More younger Swedish

people? More Swedish people with migration background? More Swedish nationals with disabilities?

Overall, the whole debate is heavily focused on nationality as the main criterion. Like this, the debate suffers from a diversity deficit. However, this is urgently needed. The rising number of EU staff with double-nationality is a case in point. Overall, the number of EU officials with double nationality hugely differs and ranges from 1 (Finland), 9 (Denmark) and 13 (Sweden) to – as a with similar populated countries – 20 (Slovakia), 67 (Hungary), 68 (Ireland) and 128 French (European Commission 2022). Here, the most interesting issue concerns the very low number of Finns and the extremely high number of Romanians (108) with double nationality (and mostly with only Belgium and French nationality).

Another important case concerns the representation of people with a migration background and third-country residents. Should these groups be represented on the EU level? Or, vice versa: Why are these groups not considered as potential national candidates for EU positions?

This can be illustrated by the case of Germany where approximately 27% of the total population of approx. 84 million people have a migration background (approx. 22 million people). Again, approximately half of these people (approx. 11 million people) do not have German citizenship. From this group, millions of people account as third-country residents. These people are not eligible to apply for the various European concours and for jobs in the EU institutions. Today, in order to be eligible for employment in the EU institutions, interested candidates must be a citizen of one of the Member States of the European Union. A valid residence permit is not considered proof of citizenship. Overall, only EU citizens fall under the principle of free movement of workers within the European Union (Art. 45 TFEU). On the other hand, in a nation state this right is enjoyed by anyone legally residing within its borders, including third-country residents (if no other restrictions exist for this group). For example, Art. 23 of Directive 2004/38/EC allows third-party nationals to work. Moreover, Directive 2003/109/EC sets out the conditions under which a non-EU citizen ('third-country national') who has legally and continuously resided in a Member State for at least five years can acquire 'EU long-term resident status'. For example, a person with US citizenship living in Finland may well move freely and also apply to all vacant positions on the Finnish job market (with the exception of very few positions that are reserved only for Finns). Why should this practice not be allowed for third-party residents living (for more than five years) in the EU and interested in applying for EU jobs as official, contract agent or temporary official?

Thus, third-country nationals who are residents in a Member State may enjoy the principle of free movement on the national level, but not in the EU and also not as regards the employment in EU institutions. Of course, the reason being that a lot of scepticism surrounds freedom of movement, even as it applies to EU citizens, for example as regards the popular perception that free movers will erode the host state's welfare system. Extending this right to third-country nationals may seem, therefore, politically unfeasible.

However, this may be different for the right to apply for jobs in the EU institutions. Yet, also separating employment in the EU from national citizenship could present a number of advantages. First, and most obviously, third-country nationals who legally reside within the EU would not be discriminated and would be allowed to apply for a job in the EU. Second, employing third-country nationals in the EU institutions would contribute to a more representative workforce in these institutions. Third, fears that this would lead to a massive influx of third-country nationals in the EU institutions are unfounded, as the number of qualified (mobile) third-country nationals will most likely be very low. Fourth, why should the EU be allowed to discriminate third-party (long term) residents from the free movement principle, if Member States are requested not to discriminate third-country residents? Fifth, the value of EU citizenship would not be undermined by this provision. Sixth, third-party nationals would most likely not succeed in the highly competitive concours and enjoy employment benefits for instrumental (welfare) reasons, but rather because they feel a commitment to the EU integration process.

Obviously, the discussion about the employment of third-country nationals in the EU Institutions is still a somewhat unlikely scenario. However, it also illustrates perfectly how the issue of differentiated employment of (Nordic) staff has become a subject of a highly emotional- and identity-based debate, but exclusively focused on the issue of national citizenship. Ideally, however, the debate should be subject of a broader and rational discourse.

Conclusions

From the perspective of Nordic countries, 'Brussels' is far away and often perceived as a bureaucratic machinery, designed towards the German-French administrative models. Indeed, for a long time, the EU career model was designed by the founding Member States. However, since then, it has changed tremendously and been actively influenced by many actors, including the Nordic states since their accession in 1973 (Denmark) and 1995 (Sweden and Finland), respectively. On the other hand, national public administrations have been most influenced by the respective national traditions and histories, and pressures for reforms were least affected by the European integration process (Bossaert et al. 2001, 3). This can best be illustrated by Art. 45 4 TFEU which allows national public administrations to deviate from the principle of free movement of workers in the field of public employment. Today, changes as regards the concepts of sovereignty, citizenship, the principle of free movement of workers and Art. 45 TFEU (through the case law of the ECJ) and a changing understanding of the concept of representativeness have also influenced the nature of EU recruitment policies, the understanding of nationality and the logic of state centric approaches.

The dividing line between international politics and domestic politics, EU administrative law and national administrative law, or between EU administration and national administration has given way to the Europeanisation of

administrative law (Terhechte 2022) and to the emergence of a new ‘European Administrative System’ (Bauer and Trondal 2015). Forms of administrative ‘engrenage’ and the development of multi-level governance can be observed, for example, in the field of the implementation of EU Structural funds, which involves the European, national, regional and local administrations. Today, various forms of uploading-, downloading- and horizontal Europeanisation also overlap as regards the recruitment of national officials in the various European Union bodies. This phenomenon creates constant frictions and imbalances and differentiated forms of integration. Whereas the recruitment of EU officials is entirely an EU (and EPSO) matter, discussions about representativeness and national balance are heavily politicised issues amongst the EU and the Member States. Again, the preparation of nationals for the EU concurs is a national matter, but the decision to apply for EU jobs is up to individual discretion.

Overall, the EU administrative system is becoming ever more complex and differentiated. This trend and the constant need to manage various conflicting principles and objectives (for example the need to apply the merit principle while also considering the need for quotas and taking into account the representative principle) make it almost impossible for the Commission to achieve regional recruitment balances. On the other hand, Member States have an interest to increase the number of their nationals in the EU. However, they also depend on the motivation, ability and opportunities of individuals and whether they are eager to apply for jobs on the EU level. In this context, we have noted that Sweden is facing particular challenges amongst the Nordic countries. However, this does not mean that Finland and Denmark also face formidable staff representation challenges.

The Commission must be aware that national identities remain a strong identification factor in the European Union, and governments, media and citizens overwhelmingly continue to associate with their co-nationals. As a result, the continued underrepresentation of Nordic States easily leads to frustration, criticism and de-Europeanisation and undermines support for the European integration process. Thus, from the perspective of the European Commission, it is most important to focus (also) on (Nordic) national representativeness and to address imbalances that may further alienate certain Member States. All of these pressures may force the European Commission to develop and accept an ever more ‘politicised’ point of view as regards its own recruitment strategies.

As such, the Commission does all it can to achieve fair (although not fully proportional) levels of representation for all Member States (Gravier and Roth 2020, 20). Overall, the lack of representation lies on the side of the Member States, but not necessarily the Governments, but also the national populations (citizens). For example, low levels of interest amongst potential Swedish applicants can have many (personal) reasons. As such, job perspectives in the EU institutions may be unequally attractive to potential applicants (Gravier and Roth 2020, 20). However, also critical political attitudes of the political elites towards the EU can fire back on the so-called ‘rejection hypothesis’ (Gravier

and Roth 2020), which basically means that nationals have no interest to accept the offer to work for the EU institutions. Here, it should be noted that the last EU staff reforms also produced cost savings and reduced the Union's attractiveness as an employer (but only in a number of (western and northern) EU Member States).

In the future, both national and EU administrations are required to cooperate and to address together representativeness- and diversity issues. On both the EU and the national levels, there is a need to make the recruitment process fairer, more transparent and more flexible to attract talented people with a mix of backgrounds, experience and perspectives. Ideally, improvements to the recruitment process should refer to the instruments or mechanisms that aim to motivate people to apply for vacancies in the public service and to further relax the selection process and criteria to make them more inclusive and flexible. One step in this direction is the decision by the EPSO's governing body to shorten the length of the EU recruitment procedures as the length of the competitions is seen as a major obstacle to attracting young people. Another consideration is to drop oral tests from EPSO's selection procedures, as part of a start to fundamental rethink of the current selection process. Future competitions will put greater emphasis on candidates' qualifications and on a set of written tests, all to be conducted in one testing session (EPSO, EPSO's New Competition Model, 2023).

However, in the future, the focus should not only be on the technicality of recruitment procedures, and on the representation of (Nordic) nationals in Brussels. Instead, it should also be on the need for a representative and diverse public sector workforce which also sends a strong message of inclusion, that public sector institutions are serious about taking all of their citizens' concerns to heart and designing policies and programmes that meet their needs. In a study on managing a diverse public administration or effectively responding to the needs of a more diverse workforce, the OECD further encourages governments to go beyond technical efficiency to the creation of public value. It suggests the need to design more diverse and inclusive policies and services, supported by more diverse and inclusive public sector institutions. A representative public sector workforce also sends a strong message of inclusion, that public sector institutions are serious about taking all of their citizens' concerns to heart and designing policies and programmes that meet their needs (OECD 2020).

References

- Ban, Carolyn. 2013. *Management and Culture in an Enlarged European Commission: From Diversity to Unity?* Basingstoke: Palgrave Macmillan.
- Bauer, Michael, and Jarle Trondal (eds). 2015. *The Palgrave Handbook of the European Administrative System*. Basingstoke: Palgrave Macmillan.
- Bingham, Tom. 2011. *The Rule of Law*. London: Penguin.
- Bossaert, D., Demmke, C., Nomden, K., Polet, R. et al. (2001). *Civil Services in the Europe of Fifteen – Current Trends and Perspectives*, Maastricht: European Institute of Public Administration (Foreword).

- Christensen, Johan, Petra van den Bekerom, and Joris van der Voet. 2017. "Representative Bureaucracy and Specialist Knowledge in the European Commission." *Public Administration* 95, no. 2: 450–67.
- Christensen, Johan G., and Niels Opstrup. 2018. "Bureaucratic Dilemmas: Civil Servants between Political Responsiveness and Normative Constraints." *Governance* 31, 481–98. <https://doi.org/10.1111/gove.12312>
- Curtin, Deirdre, and Cristina Fasone. 2017. "Differentiated Representation: Is a Flexible European Parliament Desirable?" In *Between Flexibility and Disintegration. The Trajectory of Differentiation in EU Law*, edited by Bruno Witte, Andrea Ott and Ellen Vos, 118–45. Cheltenham: Edward Elgar.
- Dahlström, Carl. 2012. "Politics and Administration." In *The Sage Handbook of Public Administration*, edited by B. Guy Peters and Jon Pierre, 361–67. Thousand Oaks: Sage Publishing.
- Dahlström, Carl, Victor Lapuente, and Jan Teorell. 2012. "The Merit of Meritocratization: Politics, Bureaucracy, and the Institutional Deterrents of Corruption." *Political Research Quarterly* 65, no. 3: 656–68.
- Dahlström, Carl, and Mikael Holmgren. 2015. "The Politics of Political Appointments", University of Gothenburg, Working Paper 2015, 4.
- Egeberg, Morten, and Jarle Trondal. 2017. "Researching European Union Agencies: What Have We Learnt (and Where Do We Go from Here)?" *Journal of Common Market Studies* 55, no. 4: 675–90.
- EPSO. 2023. "New Competition Model – Information Note." 2023. 2208493 as of 27 March 2023. https://eu-careers.europa.eu/system/files/2023-02/Information_Note_New_Competition_Model.pdf
- EPSU (European Public Service Union). 2019. "Court of Justice: Geographical Balance Not Achieved", Power-Point, Presentation https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fepsu-cj.lu%2Fwp-content%2Fuploads%2F2019%2F08%2Fgeo_balance_EN.ppsx&wdOrigin=BROWSELINK
- European Commission. 2018. "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/2.
- European Commission. 2022. "Statistical Bulletin for European Commission Staff on 01/10/2022", https://commission.europa.eu/document/download/10561473-705c-4f3f-a116-45ed17d9d802_en?filename=statistical-bulletin-20221001.zip
- European Democracy Consulting. 2021. "Geographical Representation in EU leadership Observatory 2021." Brussels.
- European Democracy Consulting. 2022. "Geographical Representation in EU Leadership Observatory 2022." <https://eudemocracy.eu/geographical-representation-eu-leadership-observatory-2022>
- European Parliament. 2022. "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.
- European Union. 1962. "Regulation No 31 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic, Community and the European Atomic Energy Community, 1385/62 as of 14 June 1962." as amended.
- General Secretariat of the Council. 2022a, Geographical representation of staff in EU institutions and bodies – European Commission, 28 October 2022 (unofficial document).
- General Secretariat of the Council. 2022b, European Personnel Selection Office (EPSO) - State of play, 24 October 2022 (unofficial document).
- Gravier, Magali. 2008. "The 2004 Enlargement Staff Policy of the European Commission: The Case for Representative Bureaucracy." *Journal of Common Market Studies* 46, no. 5: 1025–47.

- Gravier, Magali. 2013. "Challenging or Enhancing the EU's Legitimacy? The Evolution of Representative Bureaucracy in the Commission's Staff Policies." *Journal of Public Administration Research and Theory* 23, no 4: 817–38.
- Gravier, Magali, and Camille Roth. 2020. "Bureaucratic Representation and the Rejection Hypothesis: A Longitudinal Study of the European Commission's Staff Composition, (1980–2013)." *Journal of Public Administration Research and Theory* 30, no. 1: 4–21. <https://doi.org/10.1093/jopart/muz001>
- Heermann, Max, and Dirk Leuffen. 2020. "No Representation without Integration! Why Differentiated Integration Challenges the Composition of the European Parliament." *Journal of Common Market Studies* 58, no. 4: 1016–33.
- Hofelich, Tobias C. 2022. "De Facto Differentiation in the European Union: Circumventing Rules, Law, and Rule of Law." In *The Routledge Handbook of Differentiation in the European Union*, edited by Benjamin Leruth, Stefan Gänzle and Jarle Trondal, 66–80. London: Routledge.
- Intergovernmental Non Paper. 2018. "Intergovernmental Non Paper signed by Austria, Czech Republic, Denmark, Finland, France, Germany, Ireland, Luxembourg, the Netherlands, Portugal and Sweden." not published.
- Kingsley, Donald. 1944. *Representative Bureaucracy. An Interpretation of the British Civil Service*. Yellow Springs: The Antioch Press.
- Kopecký, Peter, Jan-Hinrik Meyer-Sahling, Francisco Panizza, Gerardo Scherlis, Christian Schuster, and Maria Spirova. 2016. "Party Patronage in Contemporary Democracies: Results from an Expert Survey in 22 Countries from five Regions." *European Journal of Political Research* 55, no. 2: 416–31.
- March, James G. 1999. "A Learning Perspective on the Network Dynamics of Institutional Integration." In *Organizing Political Institutions*, edited by Morten Egeberg and Per Lægrend, 129–55. Oslo: Scandinavian University Press.
- Meyer-Sahling, Jan-Hinrik, Kim Sass Mikkelsen, Damir Ahmetovic, Margarita Ivanova, Hamit Qeriqi, Rajko Radevic, Ansi Shundi, and Vladimir Vljakovic. 2015. "Improving the Implementation of Merit Recruitment Procedures in the Western Balkans: Analysis and Recommendations." Danilovgrad: ReSPA Publications. ISBN-13 9780853583189.
- Meyer-Sahling, Jan-Hinrik, and Kim Sass Mikkelsen. 2016. "Civil Service Laws, Merit, Politicization, and Corruption: The Perspective of Public Officials from Five East European Countries." *Public Administration* 94, no. 4: 1105–23.
- Mosher, Frederick. 1982. *Democracy and the Public Service*. Oxford: Oxford University Press.
- Peters, B. Guy, and Jon Pierre. 2004. "Politicization of the Civil Service. Concepts, Causes, Consequences." In *Politicization of the Civil Service in Comparative Perspective*, edited by B. Guy Peters, and Jon Pierre, 1–13. London: Routledge.
- OECD. 2017. *Policy Advisory Systems*, Paris: OECD Publishing.
- OECD. 2020. *All Hands in? Making Diversity Work for All*, Paris: OECD Publishing.
- Pekkala, Henrik, Henri Lahtinen, Sofia Karlsson, Kimmo Halme, Jenna Kiiskinen, Kimmo Elo, and Jaakko Koljonen. 2023a. "Geographical Imbalance Among EU Officials is Deepening: Measures Required both from the Member States and the EU", Policy Brief 2023:34.
- Pekkala, Henrik, Henri Lahtinen, Sofia Karlsson, Kimmo Halme, Jenna Kiiskinen, Kimmo Elo, and Jaakko Koljonen. 2023b. "Suomalaisten EU-urien edistäminen" [Promoting Finnish EU Careers], Study for the Finnish Government, Valtioneuvoston Selvitys-Ja Tutkimustoiminnan Julkaisusarja 2023:55.
- Pintsch, Anne. 2025. "Laboratories of Differentiation and the Nordic Region". In *Differentiated Integration in a Nordic Perspective*, edited by Anne Pintsch, Tor-Inge Harbo, and Lars Oxelheim, 1–20. Abingdon, Oxon: Routledge.
- Publico. 2023. "Portugal perde 6,75% de funcionários na UE em quatro anos e a queda pode agravar-se.", 4 January 2023.

- Regeringskansliet. 2023. "Arbete i EU." [Working in the EU], <https://www.regeringen.se/arbete-i-eu>
- Regeringskansliet. 2018. "Strategi för att öka antalet svenskar som arbetar i EU:s förvaltning." [Strategy to increase the number of Swedes working in the EU administration], <https://www.regeringen.se/globalassets/regeringen/dokument/eu-representationen/broschyr-strategi-for-att-oka-antalet-svenskar-som-arbetar-i-eus-forvaltning.pdf>
- Rosanvallon, Pierre. 2017. *Die Gesellschaft der Gleichen* [The Society of Equals], Frankfurt/M: Suhrkamp (2015 original in French).
- Terhechte, Jörg Philipp. 2022. *Europäisches Verwaltungsrecht*. Baden-Baden: Nomos, 2nd edition.