



Administrative Cooperation in the EU Member States: Towards a Common European Administrative Space?

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Topics of the presentation

- To illustrate the context in which administrative cooperation takes place.
- To map what is meant by the European Administrative Space: what are its origins, its driving forces and its future perspectives?
- To discuss the development of administrative cooperation, its legal background and how to further promote it.

The context of administrative cooperation

- EU has no power to regulate the administrative structures of EU MS
- No requirements regarding standards in the field of administrative capacities
- No '*acquis communautaire*' for national public administrations
- The principle of institutional autonomy of EU MS
- *However: This does not mean that national PA are not involved in European integration and that they are not influenced by this process*

→ Grey area between EU and national competence: 'Europeanisation' through the backdoor

The development of a European Administrative Space: driving forces

- The EU law and jurisprudence and the role of the ECJ:
 - **Common legal traditions and interpretation of EU principles of PA by the ECJ;**
 - **Secondary legislation;**
 - **The interpretation of art. 45.4 TFEU and the requirement to open up national PAs.**
- The administrative cooperation of EU MS which contributes to the development of shared standards and tools;
- The regular interaction among national public employees in working groups, networks promoting a common understanding of how to implement EU law.

What is meant by '*European Administrative Space*' (EAS)?

- **The EAS describes the emergence of shared administrative principles and values among the EU MS, as well as a convergence process amongst national PA, which are becoming similar.**
- Origin: The concept of *European Administrative Space (EAS)* first appeared in reports and studies of public law from OECD/SIGMA during the 1990s
- The **purpose** of the EAS was to set up common shared administrative principles which should serve to guide the PA reforms in candidate countries (Cardona, 1999) in order to become EU Member States.
- Overall agreement that convergence trends of administrative systems have developed and that differences and variance have decreased.

The European Administrative Space: Development trends?

- Convergence trends refer to the set up of the same legal administrative principles, procedures and to the establishment of certain bodies in the context of EU policies.
- Convergence trends apply **less to outputs**, reform trajectories, application of administrative principles and public administration systems.
- **No trend towards a common model of PA** or ‘winning’ system
- In the context of common challenges: *Administrative cooperation in the European administrative space takes place among public administrations, which share views, common agendas and use the same concepts, but which are embedded in different historic and cultural contexts*

Administrative cooperation (AC) in the European Administrative Space

- Origin of AC since the 1970s: 'Mutual infection' (Carlo d'Orta) of traditionally autonomous and diverse systems;
- Informal and voluntary nature;
- Strong focus on the exchange of experiences and good practices, mutual learning and benchmarking;
- Administrative cooperation is characterised by an increasing level of continuity, intensity and institutionalisation;
- Administrative cooperation is characterised by different shapes and forms: formal and informal networks play an increasingly important role in the field of EU decision-making

The legal background of administrative cooperation

- Until the Treaty of Lisbon: no legal basis for administrative cooperation;
- Administrative cooperation has only been dealt with as a European objective since the preparation for the European Convention (2003);
- Novelty: Since the Treaty of Lisbon, Art. 197 TFEU allows the Union to support the efforts of EU MS to improve their administrative capacity to implement EU law

The legal background of administrative cooperation

Article 197

“1. **Effective implementation** of Union law by the Member States, which is essential for the proper functioning of the Union, shall be regarded as a matter of common interest.”

“2. The Union may support the efforts of Member States to **improve their administrative capacity** to implement Union law.”

“2. Such action may include **facilitating the exchange of information and of civil servants** as well as **supporting training schemes**”.

The legal background of administrative cooperation

Article 197

“2. No Member State shall be obliged to avail itself of such support. The European Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure, shall establish the necessary measures to this end, **excluding any harmonisation of the laws and regulations of the Member States.**”

Conclusions: the future of administrative cooperation and how to promote it?

- By **enhancing knowledge** about the functioning and culture of different administrative systems through surveys, comparative reports etc.
- By **developing competencies** such as communication, intercultural and networking skills, openness and European awareness and language skills through common European training activities;
- By **creating learning platforms** in well defined policy fields for the transfer of good practices
- By **supporting exchange schemes and programmes** for national civil servants of all career levels
- and last but not least: by an effective information and communication of its successes and achievements



**Thank you for your
attention**