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« Pour une science politique de l'administration »

Sous la direction de Françoise Dreyfus et Jean-Michel Eymeri

The senior civil servants of the EU: statutory uniformity and cultural diversity¹

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The European Commission in many ways reflects, in miniature, the structures of national administrations: the staff are divided between central offices, offices in the capitals and some of the largest regional cities of the member states, the joint research centres and diplomatic posts overseas. There are in addition 12 specialised agencies financed by block grants from the Commission whose staff are subject to the staff regulations though not managed by the Commission («Agencies»). As with national administrations, Commission staff cover a wide range of specialisms. The Commission employs research scientists, translators, interpreters, lawyers in its specialised legal service, as well as policy-making administrators from a range of backgrounds with all the necessary supporting personnel. Permanent staff and those on fixed-term contracts make up some two-thirds of the total: the remainder include seconded staff, casual and auxiliary staff and locally engaged staff at the overseas posts (Stevens and Stevens 2001, 17).

In 1999 the European Commission counted its staff, in probably the most thorough survey undertaken in an organisation that has notoriously had difficulties in knowing how many staff work for it (Middlemas 1995, 244; Stevens and Stevens 2001, 1). It found 6,945 persons belonging to the 'A' category – those who require educational qualifications equivalent to a University degree – as either permanent or temporary officials, amounting to 31 per cent of the 26 261 persons counted². Other figures (see Appendix One) for 2002 arrive at not dissimilar totals.³

The identification of certain officials as «hauts fonctionnaires» is a most inexact procedure. Comparative studies (for example (*Les Fonctions Publiques en Europe de l'Est et de l'Ouest* 1986)) have tended to adopt the notion of a hard core (*noyau dur*) of positions and

¹ The issues examined in this paper are explored at greater length in Stevens and Stevens (2001).

² This figure included almost all of the 760 detached national experts on secondment from member states, but not the 1,922 in the Languages A category (8 per cent of the total), nor 393 posts in the Commissioners' private offices (*cabinets*) (European Commission 1999, 7-9)

³ Including approximately 2000 officials in the LA category, who work as translators and interpreters but not detached national experts.

functions which are likely to be found in all systems, surrounded by a penumbra of others recognised within the national system but not necessarily analogous in either functions or esteem to what obtains elsewhere. Within the European Union, which adopted from the French model the assignment of staff into categories based upon the educational qualifications required for eligibility, it seems reasonable to regard permanent officials in Category A, along with detached national experts and members of the Commissioners' *cabinets* as senior officials. It is however worth noting that while in some other systems the notion of a senior civil service carries connotations of hierarchical authority and/or managerial responsibility, in the Commission this has not necessarily been the case. Grades A8 – A5 are the career grades for relatively young officials who advance through them essentially on the basis of seniority. There is no hierarchical relationship between these grades: the functions likely to be undertaken by an official at Grade A7 and one at Grade A5 do not differ, and neither official is likely to have managerial responsibilities for subordinate staff. Only exceptionally at Grade A 5 and more probably at Grade 4 (and not in all cases even then) will officials become Heads of Units and carry hierarchical responsibilities.

The theoretical framework which this paper adopts is a broadly sociological institutionalist one (Hall and Taylor 1996; Rosamond 2000). It therefore assumes that, as an institution which has evolved, the Commission has been shaped and moulded by preferences and choices which have themselves been constrained and limited by their context. Individual actors adopt strategies which are appropriate on the basis of preferences which are socially, not individually, constructed. These strategies arise out of the actors' perception of the demands of their roles. The strategies become settled into routines and procedures that are taken for granted. It can be argued that these are mechanisms which allow actors to tackle complex demands. As they interpret and prioritise what they have to do, they do so in the light of the role that they regard as appropriate, and on the basis of the routines and procedures which their past experience and socialisation tell them are suitable. These factors determine their goals and preferences (From 2002, 225 -6). Sociological institutionalists argue that actors operate within a framework of «rules». «By 'rules' we mean the routines, procedures, conventions, roles, strategies, organizational forms, and technologies around which political activity is constructed. We also mean the beliefs, paradigms, codes, cultures and knowledge that surround, support, elaborate and contradict those roles and routines» (March and Olsen 1989, 22). As Hall and Taylor assert, in this formulation institutions are defined as specifying not only «what one should do» but also «what one can imagine oneself doing in a given context.» (1996, 948). They also note, however that both historical and sociological institutionalists assume that new institutions develop in a world already well populated with existing institutions. The sociological variant of institutionalism says new institutions will «borrow» from these and will be influenced by collective interpretations and by concerns for social legitimacy (1996, 953).

However, this paper will argue that within the European Commission the structures are blurred, and the nature of roles and the appropriateness of strategies are still contested. As Anthony Caston, in his rapidly suppressed report on options for administrative reform in the Commission, shrewdly observed «The first shock of many staff recruited into the European institutions is to find that many of their underlying assumptions about behaviour, often barely made explicit in their own country since they seem so obvious, are not necessarily shared by colleagues...» (Directorate General IX European Commission 1998, 8). Anecdotal evidence to confirm this observation abounds. The official who complained bitterly that his managerially-minded superior prioritised the process, not the content, of a policy reform was but one example⁴. The position of the senior officials of the Commission within its structures

⁴ Interview with Grade A3 official European Commission 1995

has been shaped by a number of characteristics, which are considered in some detail below.

- First, they are incorporated within structures which still bear the marks of their origins and reflect early decisions about the nature of the administration.
- Secondly, these structures are both highly juridified and strongly consultative
- Thirdly, the reality is much less orderly than the tidy picture which might be derived from the texts alone

Choices and Norms

The creators of the Commission administration brought to its creation a specific set of expectations. On the one hand we observe in the process the invention of a new institution. On the other hand, as the theoretical framework would lead us to expect, the choices that were made emerged out of experience of norms, rules and procedures elsewhere. In turn the norms of the new institution have acted to frame what is perceived as possible and acceptable.

Administrative models

As it stands today the EU administration can trace a direct inheritance from that created for the European Coal and Steel Community. Jean Monnet, its founder, did not want a heavy or hierarchical organisation. He does however seem to have had a model for the European public servant akin to the myth of the French *haut fonctionnaire* – an independent-minded high-flying expert policy-maker, devoted to the pursuit of the general (or rather, European) interest and agenda above and beyond any narrower, sectional (and especially national) considerations.

By 1958, Monnet's pioneers had been supplemented by personnel drawn, to a substantial extent, from the national administrations, who brought with them expectations about the nature of their relationship to their employer. This generation were «instrumental in the bureaucratisation, professionalisation and compartmentalization of the Commission» (Hooghe 2002, 154) referring to (Coombes 1970).

The EEC was provided from the start with much more structured services than the ECSC. After an initial period between January and March 1958 when the only staff in the Commission were those of the Commissioner's *cabinets* and a handful of others, mostly Belgian, charged essentially with housekeeping duties, nine well defined Directorates General were established, divided into 32 directorates. Hallstein, the first President, brought with him the hierarchical traditions of his substantial experience in German administration.

It was at this period that crucial decisions - as much implicit as explicit - were taken. The Communities, as a new type of «supranational» body should have a staff that was not simply an international secretariat like those that had served the Congresses and Conferences of the Concert of Europe in the nineteenth century, the League of Nations and the United Nations, or even regional bodies such as the International Commission for the Rhine. As early as 1964 Jean Siotis noted that any notion that the services constituted a secretariat, or had anything in common with «traditional» international institutions was quite forcefully rejected (Siotis 1964, 228 and 244). Instead the view was taken that, since the European Community was destined to be an evolving institution moving towards integration, it should be endowed with an administrative service comprising permanent officials, not persons on secondment or temporary contracts. Already in 1953 Jacques Rueff, then a judge at the ECSC Court of Justice with special responsibility for managing its budgetary and administrative questions, had said «We have, rather blindly, chosen the option of a statutory framework (a *statut*) by

analogy, because we want to create a situation closer to that of national administrations than that of international organisations. We felt that supranational civil servants (*un corps de fonctionnaires supranationaux*) were, in fact, almost national civil servants, whose nationality was supranationality» (Conrad 1992, 64 my translation). And Hallstein, according to Emile Noël, wanted the administration of the EEC to be «a great administration» whose senior officials would command equal status with the very top ranks of the national administrations. (Noel 1992, 150).

A juridified and consultative administration

The administration that emerged out of these choices had a number of crucial structural characteristics which have influenced the profile of the senior officials. Firstly, it was a strongly juridified administration. Such a framework was not uncongenial to any of the six founding member states, all of which had, with variations and exceptions, administrative systems of a quite strongly juridical and *Rechtsstaat* type, even if the post-war period had seen a «noticeable dejuridification» of public administration in the Netherlands (Pollitt and Bouckaert 2000, 245). The embedding within a solid legal framework of the conditions, rights and guarantees of officials stems, in part, from national traditions that seek to identify the administration with a durable state, and not a particular ruler (Dreyfus 2000, 172).

Two aspects illustrate this: formal relationships and many procedures are specified in law, and, secondly, problems in human resources management are not infrequently resolved by recourse to legal proceedings. Rights and expectations may consequently be rather rigid.

The staff regulation (*statut du personnel*) sets out in considerable detail the nature of the relationship between the EU as an employer and its employees (Stevens and Stevens 2001, 43 - 47). The relationship is not a strictly contractual one, since neither side is at liberty to vary the provisions of the law in individual cases. Moreover, any amendment to the regulation requires codecision between the Council of Ministers and the European Parliament. Defining the scope and interpretation of this law involves recourse to the European Court of Justice, to the extent that it was the backlog of such litigation that prompted the creation of the court of first instance in the mid 1980s. This legal oversight protects staff from arbitrary decisions or the abuse of management procedures governing such matters as recruitment, promotion, deployment and pay, but it tends to reinforce the rigidity which the regulations impose (Stevens and Stevens 2001, 47).

Secondly, the model which emerged from these choices was a highly consultative one. Reflecting post-war developments in several member states, representatives of the staff constitute a staff committee which in turn sends delegates to the boards that consider promotions, recruitment, and staff discipline. In practice it is the staff unions which put up slates of candidates for election to the staff committees. Although the proportion of staff who pay union dues is not very high (in 1999 it was estimated at a maximum of 35 per cent) the unions have a strongly entrenched position, which they have on the whole used to preserve the *acquis* of the staff regulation. The sense of protection and independence, which the existence of the regulation enhances, has as one of its corollaries tended to entail a relatively weak sense of any obligation to co-operate in management initiatives.

The model of administration that emerges from these characteristics is a static one: it is essentially a model in which the appropriateness of individual strategies is quite closely defined. Officials have until now entered a context where their role, as an official, gives them certain tasks, but also rights – the *acquis* of the regulation – and expectations, for example that their position will be defined as much by age and seniority in post as by performance. The context is not a non-conflictual one: bargaining between unions and employers can be fierce, and litigation is frequent, but the conflict is transferred onto an abstract basis of texts and procedures, rather than involving interpersonal relationships. This is exemplified by the

response of a former senior official to the view of the EU Ombudsman that age limits for recruitment are unacceptable. In at least some of the member states such age limits are held to be illegal as constituting indirect discrimination under equal opportunities law⁵. But to this former Director-General their abolition seemed likely to subvert the orderly definition of relationships «...candidates aged 55 – 66...if ever they are hired [would] ...work on the same jobs with the same salary as a young beginner aged 22 -23....such a situation will create frictions, jealousy and envy almost from the first day» .» (Letter to *European Voice* 4 – 10 April 2002 p.14).

Structures and roles

Recruitment

The processes of recruitment and training for senior official posts are generally recognized to be a crucial component in the creation of an ethos for any organization and the socialization of its members. The processes are complex, involving a degree of self-selection by applicants, of selection according to the institution's own values, and then of the overt communication of values and working practices and conventions via training activities. . Each member state has its own distinctive pattern of education, particularly higher education, and varied perceptions of the educational trajectory appropriate for a senior official. The United Kingdom, with a system in which both public and private employers still frequently expect to recruit largely on the basis of achievement and personal characteristics, rather than specific preparation - as the 1854 Northcote-Trevelyan report on the recruitment of senior officials said « men capable of ... affording a proof that that their education has not been lost upon them would probably make themselves useful wherever they might be placed » (Northcote and Trevelyan 1853, 114) - lies at one extreme. The British recruitment process has in recent years undergone substantial efforts to ensure that the future potential (more than the past achievement) of the candidates is assessed in ways which reflect new values and demands, and the training has a strong apprenticeship element. In other member states, such as France or Germany, vocational streaming begins with the choice of degree subject. In some systems – such as the French *Ecole Nationale d'Administration* – the processes of recruitment and socialisation are both simultaneous and powerful.

The permanent senior officials of the EU are currently drawn from the 15 member states in the proportions shown in Appendix One. Devising a uniform recruitment system for senior officials which is flexible enough to offer a reasonable equality of opportunity to the products of any system, is robust enough to handle extremely high levels of demand – over 55 000 candidates for the last general open competition for grades A8 and A7 of the European Commission in 1998 – gender-neutral (there is evidence (Stevens and Stevens 2001, 91 - 92)that the «quiz» type general knowledge tests used as an eliminator disadvantage women), and cheat-proof (the initial running of the 1998 competition had to be cancelled because of widespread cheating) has proved costly and difficult. One proposed amelioration - the creation of an inter-institutional recruitment body that would manage, and develop expertise in, recruitment for all the EU institutions - has had to combat inter-institutional jealousies and suspicions, but a European Recruitment Office will commence operation at the beginning of 2003.

However, any prospect of a steady and regular recruitment pattern, such as exists in most member states, has been regularly undermined by the requirements of enlargement: fairness to new member states is seen as requiring competitions open only to their nationals. . In recent

⁵ The Commission has, since April 2002, ceased to apply age limits to its recruitment, but has so far failed to persuade the other institutions to do likewise.

years the main emphasis has been on the recruitment of staff from the new member states (General Report of the European Commission 2000), and with the prospect of enlargement the proportion of recruitment undertaken by targeted competitions is not likely to diminish. Thirdly, success in competitions only confers eligibility for appointment, and those on the reserve list have to utilise whatever contacts, networks and resources they can to gain a particular post. Even within the framework of the formal structures, officials thus arrive at their positions through markedly different trajectories. And these frameworks are in fact bypassed and subverted, in ways that are discussed below.

Career progression

The assumptions embodied in the *statut* about the career progression of senior EU officials can be seen as closely related to those which underlie the not dissimilar provisions of many European countries. They have deep historical roots, for the societies in which many bureaucracies developed were perceived as unstable and volatile. Civil service employment traditionally offered not only secure employment, but guarantees of a career. It is thus an essential channel of upward social mobility, which, by holding out the hope of ascent, acts as sort of social safety valve within which aspiration can be securely contained. If it is to operate like this, then steady upward movement must not be too dependent upon individual striving, nor even – once the original threshold has been passed – upon performance, for that would remove the safety valve effect. Still less can it be dependent upon the whims, arbitrary decisions, favour or patronage of a leader or boss, for that would be to encourage desertion of the public good for the pursuit of personal interest. So civil servants need the protection of a legal framework, both against arbitrary decisions from above, and against competition and conflict with colleagues.

In such systems seniority is the key element in progression, and all senior officials have a well grounded expectation of achieving a certain level. This characteristic is also found within the European Commission. Indeed to suggest otherwise could be seen as impugning the efficacy of the recruitment mechanisms. A former Secretary-General of the Commission remarked that in his many years of experience of the Commission promotions system he had never known performance to be ignored⁶, but it may be suggested that in effect in the past poor performance has been an impediment to promotion, rather than promotion depending upon performance that exceeds the general level. Incentives to stand out through excellence of performance or to seek redeployment have been minimal. «Kinnock believes that [the current system] does not provide incentives to encourage talented A grade officials to seek promotion...» (*European Voice* 28 June - 4 July 2001 p. 1). A new and much more rigorous appraisal system which will result in the attribution of «merit points» that are portable between posts, with promotion depending upon accumulating a specified quantity of such points will attempt to combat this state of affairs (European Commission Directorate General for Personnel and Administration 2002, 11 - 15).

The untidy reality

The formal structures described above - juridified, with strong and fixed participative procedures, a unified recruitment and a steady career progression - indicate a rational system, geared to ensuring a regular, autonomous administration, well protected from the influences of national loyalty, political clientelism, or allegiance to vested interests. But the reality is much less tidy. Over the years various ways have been found of evading the consequences of highly defined arrangements. Whilst these have usually been subsequently reformed away, the traces linger.

⁶ personal information

Making it work

The budgetary procedures of the European Union are cumbersome and require substantial agreement between all the member states. Even those member states who have not adopted the new public management stance of restraining administrative expenditure in relation to their domestic administrations have been willing to see EU expenditure restrained where possible, and give the extent of 'compulsory' expenditure upon statutorily defined policy areas, such restraint has fallen heavily upon administrative costs even at periods when tasks and responsibilities were growing substantially. Since the rigid structures of personnel management did not allow for rapid adaptation other devices were found. These generally have been denounced by the European Parliament, and contributed to the diagnosis of poor, even corrupt behaviour which led to the downfall of the Commission in 1999 (Stevens and Stevens 2001). These devices included the practice of «mini-budgets» which diverted monies allocated for programmatic purposes to the provision of the necessary staff on a contractual basis. Another such device was the use of so called «technical assistance Offices» or other contractors to undertake executive but also policy work for the Commission. Short-term contracts, followed by «temporary» employment could lead on to recruitment through small and restricted recruitment competitions, a process vividly described, on the basis of personal experience, by David Spence (Edwards and Spence 1994). Such competitions were also used to smooth the process of former members of Commissioners' *cabinets* into the administration proper, a process now explicitly banned by the code of conduct produced by the Prodi Commission. Such practices, however, undermine the apparent uniformity imposed by the *statut*.

Reform and flexibility

Although the *statut* has been much amended since its adoption these amendments have largely been those required to up-date the pay-scales. Only in 2002 has the Commission proposed to the Council the draft of a large scale re-writing of the *statut* (European Commission 2002). But from the Santer period onwards there have been moves to reform the operation and practices of the Commission's services and officials, including those at senior levels. The initial phases of the reforms, from 1995 onwards, consisted in attempts to change routines and procedures. The reforms stemmed from a recognition, especially within the Administration and Personnel Directorate General (then DG IX) under Commissioner Erkki Liikanen, that the Commission's practices were not in tune with best practice in the member states, and that in some aspects of its working the Commission was seriously dysfunctional. There was nothing particularly new in this recognition: the Spierenburg report of 1979 had expressed wide-ranging criticisms, and interviews fifteen years later in the mid 1990s confirmed that their continued pertinence was acknowledged. The initial steps were taken in relation to financial procedures (the Sound and Efficient Management programme - SEM - of 1995) and personnel management (the Modernisation of Administration and Personnel Policy programme- MAP - of 1997)⁷. The intention of SEM was to increase devolution of financial decision-making, to place more controls in the hands of managers but at the same time to improve evaluation mechanisms and strengthen anti-fraud measures. MAP also sought to devolve decision-making relating to routine personnel management and allow for more flexible reorganisation possibilities in the interior of Directions-General if no new posts were involved.

The second stage of reform activity stemmed from work that began as accusations of mal-practice began increasingly to loom over the Commission, and came to fruition in the immediate aftermath of the resignation of the Santer Commission and the appointment of the

⁷ For further details see (Stevens and Stevens 2001, 186 - 193)

new Commission under Romano Prodi. The outcome was a Code of Conduct for Commissioners and a Code of Conduct governing relations between Commissioners and Departments, effectively outlawing some of the practices, relating for example to appointments to advisory posts, that had drawn the

Commission into disrepute. At the same time the advent of the new Commission provided the opportunity for a considerable re-shaping of the Commission's organisational structures, which reduced both the overall number of Directorates General and the number of divisions within them. The third stage of reform followed, under Commissioner Kinnock. He produced a comprehensive White Paper in March 2000, and has been slowly promulgating and implementing a reform programme. At the end of April 2002 the Commission produced a proposed amendment to the *statut* (COM (2002) 213 FINAL). This (see the explanatory memorandum to the proposal, reproduced at Appendix 2) is intended to enhance career prospects and management, and improve flexibility and mobility. It was accompanied by a lengthy report, explaining the full raft of measures to be taken, both those which were being implemented directly and those for which statutory change was required.

The reforms do not in themselves reduce the statutory standardisation of the Commission's administrative services. Indeed to some extent they enhance it, by ensuring, for example, that the staff of the Agencies is brought firmly within the ambit of the *statut*. However, the whole thrust of the reform programme is aimed both at enhancing flexibility and devolution of decision-making and management so that pressures, demands and individual circumstances can be efficaciously handled and at bringing the untidy reality under some kind of purview and control. The importance of the ethical considerations, which have led the Commission to seek agreement with the other institutions on an Inter-institutional Committee on Standards in Public Life, and ensured that the proposals to amend the *statut* provide for better arrangements for «whistle-blowing», stem from this latter consideration. But the reform proposals have produced dissension and conflict within the Commission's services, which will be further explored in the later sections of this paper.

Cultural diversity

The structures of the EU administration thus provide the formal shell within which the officials operate, and also shelter a range of unofficial practices and reforming attempts which attempt to accommodate the needs of the organisation. Hence an analysis of the working of the administrative system cannot be confined to the formal structures. «Culture» matters, even if it is a somewhat amorphous concept. Cini points out «the vast array of definitions at the researcher's disposal» and adds that «[i]n some cases cultures are treated as distinct from the organisation's social structure; in others they are an integral part of it» (Cini 2001, 2). Cultures are frequently defined, in terms similar to those used by sociological institutionalists, as socially constructed behaviour patterns, deriving from assumptions, values, preferences, and historical, social, legal and educational contexts. Debate arises over the extent to which these may be shaped by management choices and practices. Hooghe (2002, 17 -19) argues convincingly for the application to Commission officials of Dennis Chong's theory that preference formation arises out of long-term socialisation influences, which determine norms and values, combined with short term calculation of the rational advantage of any particular attitude or choice. Long-standing institutions with a strong sense of their role and a powerful grip on career expectations may be able both to shape socialisation and to influence calculations of utility. In the context of the Commission there is to some degree a European culture engendered by a sense of «European» identity and «European» mission (Shore 1999). However, Hooghe's extensive analysis of in-depth interviews with 200 top officials in the Commission led her to the conclusion that not only are top officials «extraordinarily diverse» in their provenance but also that «their *a priori* preferences are divergent» (Hooghe 2002,

199). Similarly anthropological studies have suggested that European civil servants (whether in the Commission or the European Space Agencies) always perceive themselves as belonging to in a diversity of ways: to their organisation to their Directorate General or function, their language or their country of origin (Abélès, Bellier, and McDonald 1993, iii; Zabuski 2000). Officials' identities have many layers and the Commission is shot through with national and functional influences. Thus there are many "micro-cultures" within the Commission which have arisen from the presence of many nationalities, the diversity of functions and the dispersal of the Commission's offices, so that it can indeed be described as a «multi-organisation» (Cram 1994)

«National balance»

The formal patterns of the EU structures are supposed to preserve the «independence» of officials and protect them from influence, in particular national influences. They are supposed to be engaged in «the construction of Europe», the articulation of a «European interest» (Bellier 2000b, 56). But this leaves them « 'living in a golden cage' or even 'flying like angels in a world with no territory' » (Bellier 2000b, 66). It is perhaps not surprising that the Commission's services are shot-through with national influence, both formally and informally. Formally this comes in the recognition that at the most senior levels there must be a degree of national balance. In 1958 there was an informal understanding among the six original member states dividing Commission posts in the top three grades on the basis of contributions to the Community budget (Coombes 1970, 141). This initial «gentleman's agreement» (Coombes 1970, 141) was modified with the first enlargement of 1973. There is still « an informal but longstanding arrangement- defended by all EC governments - that senior A grade jobs should be distributed among the different nationalities according to the size of the member states. Although nationality brings no entitlement to any specific job, in practice countries which are under-represented at A grade level have a prime claim on vacancies» (*The Guardian* 18 March 1993). The insistence of the Prodi Commission that the post of Director General in any given Directorate General can be held only for a limited period (normally five and at most seven years) and that the ensuing vacancies must be filled through an application procedure has inflected but not abolished this understanding. Since 2001 70 per cent of posts at Grade A2 have been externally advertised, and seven out of 40 posts a Grade A1 have been filled by external appointment since 1999 (European Commission Directorate General for Personnel and Administration 2002, 20). However, it is still admitted that «[t]he process takes into account...the need to maintain a broad geographical balance» (European Commission Directorate General for Personnel and Administration 2002, 22). Nor has the application of this policy always been perceived as entirely transparent. One reshuffle at the top in May 2002 resulted in the announcement of the removal of an official who was known to be a proponent of a policy strongly opposed by a large member state. Others being moved had been given several months warning that they would need to find alternative postings. He had not. Several MEPs promptly denounced what seemed to them to be a yielding by the Commissioners to national demands, although this was firmly denied (See *European Voice* 17 and 24 May 2002).

In the maintenance of national balance the national permanent representations and the *Chefs de cabinet* of the Commissioners of each nationality, who know many of the staff concerned, are particularly closely involved in the complex manoeuvres (Michelmann 1978, 178; Edwards and Spence 1994, 141). The system has in the past been bluntly described as «horse-trading» and denounced for leaving posts above A4 level unfilled for months (*Financial Times* 30 September 1996) but as one member of the team currently overseeing the administrative reform of the Commission explained, it is important to have at senior level

persons who can act as «translators» between the various member states.⁸ The Prodi Commission's Code of Practice for Senior appointments now provides for public advertisement if the post is not to be filled internally, for detailed job profiles, for assessment of candidates against this profile and for approval by the whole College of Commissioners. Edward Page's detailed study (1997 pp. 49 -51) of 2 300 officials, mostly at Grade A4 and above, showed that at Grades A1 and A2 70 percent of the post-holders had not started in the basic career grades, although they had often entered the services at a level somewhat below the one which they ultimately achieved. The effects can be seen in Appendix One. However, even if the overall national balances are likely to persist, the new policy has undermined a particularly powerful source of national influence: the long-established practice of ear-marking the post of Director-General in a certain Directions-General for officials of a particular nationality - the so-called planting of «national flags».

Another formal and accepted source of national input into the Commission is the practice of secondment of national officials for a certain period to the Commission. In 1999 there were 760 seconded national «experts» working in the Commission. While many of them frequently seek to transfer into its employment, many others return to their administrations of origin. The intention is to imbue the national administrations with an alertness to the nature and importance of the European general interest that is being constructed, but the relationship is certainly a two-way one.

National influences permeate the Commission in less formal ways too. Informal networks of officials of a certain nationality certainly exist. They may be simply the product of conviviality and fellow-feeling: this is, for example, the stereotype attached to the network and celebrations of the Irish. They may be based on background - the former students of the French *Ecole Nationale d'Administration* are predominantly, though (given its provision of courses for students from elsewhere) not exclusively, French. They are often fostered by the permanent representations in Brussels of the member states. For national governments contacts via such networks provide valuable intelligence and early warnings. They can be a conduit via which the formulators of policy can be reminded not to forget national needs and sensibilities. They provide a means of encouraging the posting of nationals to key functions. Importantly, they may assist in the placing of *stagiaires*, and, even more crucially, of candidates from the reserve lists, since success in the *concours*, when they occur, is no guarantee of actual employment.

The juxtaposition of national practices

As I have argued elsewhere (Stevens 2002), the Commission has not so far, in the face of national diversity, succeeded in identifying and imposing an agreed administrative model. The independence and uniformity which are the premise of the *statut* stem from a tradition of administration that has been identified as depending upon a «public authority» concept of legitimacy (Page and Wright 1999, 273). Hood (2000, 16) characterises this approach as a Hegelian or Confucian «public service bargain», although he regards the national balance perpetuate in the Commission as bringing it closer to a «consociational public service bargain». But in 1964 Siotis scathingly observed that «simply bringing together the principles and practice of public administration as they have developed in France and Germany» had resulted in «fragmented and superficial solutions» (Siotis 1964, 228 and 244). Moreover and more importantly there are also officials within the Commission who derive from countries whose administrative traditions are based upon a notion of «procedural legitimacy» and service provision, (in Hood's terms, taking his nomenclature from the seminal work by Bernard Schaffer, a «Shafferian public service bargain» (Hood 2000, 15,

⁸ Personal conversation, November 2001

Page and Wright 1999:272, Pollitt & Bouckaert 2000: 58). Within the Commission itself the pressures for change and reform which have arisen largely from the premises of the latter model have collided with the norms of the former model. The result has been social conflict, for example a strike in 1998 in an atmosphere already tense because of the reform programme and triggered off by the Caston report, which made wide-ranging suggestions for reforms of personnel management and career development. Similar conflict over the Kinnock White Paper was headed off by the creation of a joint management-union group under Nils Ersbøll. The success of Kinnock in achieving the acceptance by the unions of a proposed amendment to the *statut* which will incorporate substantial elements drawn from both traditions suggests that some degree of fusion might eventually be possible but it remains to be seen what the reactions of the member states in the Council of Ministers will be.

While divergences between national administrative traditions have a particular influence on the evolution of administrative organisation, national variation may also influence day to day discourse and activity. Terms such as "hierarchy", «accountability», "subordination", "co-operation", "common interest", even if they are in the everyday language of the Commission and define a paradigm of European administrative culture, are susceptible to different interpretations according to whether they are perceived in the «Northern» countries, more familiar with the concept of management, or in the «Southern» countries (Bellier 1994a, 254, Bellier 2000: 57). The hierarchical superior and the manager are two different entities - the first occupies a position, the second a function - sometimes united in the same person on whom staff pass a different judgment according to their knowledge of the various national styles (Bellier 1994a, 255). It is not difficult to find anecdotes of the confusion which arises when very differing sets of (often unexpressed and unarticulated) assumptions and preconceptions encounter each other (Pollitt and Bouckaert 2000, 190), especially when even the vocabulary carries a different baggage in different languages. The different administrative cultures present among the Commission staff are marked in the way notes are written, or information conveyed. Submissions may be written in a classic French cartesian style or follow a more British sequential approach on the basis of check lists, of arguments for and against, or of questions and answers with supporting evidence. Such dossiers are often thicker and more complete (Ziller 1993, 465). The German sense of precision can put a Spaniard to the test, as may French formality or the Italian habit of working late (Bellier 1994a, 258).

Functional approaches and diversity

It is important to emphasize that the argument about the impact of national influences applies to the institution - to the rules, procedures, routines and assumptions which condition how officials imagine that things can be done. Senior officials of the Commission vehemently deny that national variations in fact render the Commission a disagreeably conflictual or difficult place to work. Though frustration is occasionally vented, this would be true of almost any place of work. Rather few senior officials seek to leave the Commission. Over the last decade or so there have been only about 10 early retirements each year (European Commission 2002, 5). Officials state categorically that they do not conduct their day to day business with a constant consciousness of the nationality of their interlocutor. We may suppose that the conclusions drawn by Stacia Zabuski on the basis of detailed observation at the European Space Agency (ESA) would apply also in the Commission. She found that the invocation of national identity in the form of stereotypes «helped ease social interaction...colleagues were spared the difficulties and ambiguities of trying to understand each other and could then get down to work» (Zabuski 2000, 185). She also found that ESA employees, like officials in the Commission, thought that working in a multinational organisation was «exciting» and feared that a return to a mononational environment would be

narrow or boring (Zabusi 2000, 181). More importantly, her informants told her that while personally they were aware of their colleagues' nationality «*professionally* I don't notice the nationality of someone I'm dealing with» (Zabusi 2000, 187).

Professional and functional divisions do however fragment the Commission. There has not until recently been much mobility between directorates within the Commission so attitudes may have tended to remain rather set. Policy stances between different DGs have varied sharply. Turf wars have abounded and both political and horizontal control have been very difficult (Stevens and Stevens 2001, Chs 9 and 10). Nor are the policy and personal conflicts which arise mitigated by a shared vision of the end goal and purpose of the organisation. Liesbet Hooghe's detailed work has shown that even the «sense of commitment to the European ideal» (Page 1997, 136; Bulmer 1998, 375) which is widely shared by top officials may take contending forms (Hooghe 1999, 346). As a group top officials of the Commission are slightly inclined to supranationalism" – that is the promotion by the European Union of ever-closer union – "but one out of four supports an intergovernmental design ...perceiv[ing] European Integration as a means of reducing transaction costs of international co-operation" (Hooghe 1999, 346). But this in itself provides no guidance as to the precise course of action which will further that. During the period of the 1980s relaunch this general sense of commitment was supplemented by a more precise belief; that the way to move closer to the European ideal was through the rapid completion of the internal market. At least in the Directorates-General most closely concerned such as DG III (the Internal Market) the positive value attached to the programme was important in inculcating a sense of common purpose - «at long last and for the first time in many years ... [the staff] knew exactly what was expected of them» (Bulmer 1998, 381). But this has neither endured nor resolved disagreements about the nature of the policy to be followed in other areas.

External perceptions of the Commission can vary: many studies (*Lobbying in the European Community* 1993; Greenwood 1997) have stressed the openness of the Commission and its services to external representation. Not all lobbyists find that to be so, but all observers agree that via its multiplicity of expert and advisory committees, and as a consequence also of the work both of lobbying organisations (ranging from the regional and local governments through umbrella organisations and the large Non-governmental organisations to individual firms and charities) and of the member states' permanent representations, Commission officials are deeply implicated in the epistemic communities which supply knowledge and thereby define the emergence of «issues» onto the agenda, the nature of those issues, and the method and shape of the solutions offered (Rosamond 2000, 125). Indeed Les Metcalfe argues strongly that it is as a «network organisation» that the Commission needs to re-imagine and re-shape itself to handle the evolving nature of European integration (Metcalfe 2000). These networks and communities derive from varied assumptions and starting points. These differences are reflected not only in policy and ideological conflict, but in the receptivity of different parts of the Commission to proposals for reform. Officials in the overseas aid directorates (now EUROPAID) have, for example, generally welcomed the reform process⁹: It seems reasonable to speculate that this is because of a perception that reform will both protect them from aberrations such as occurred in the Humanitarian Office (European Parliament 1999), and facilitate their primary purpose of channelling aid efficaciously.

Conclusion

This paper has considered the position of senior officials of the Commission from a

⁹ Personal information

number of perspectives. It has adopted a broadly sociological institutionalist approach in arguing that, as a relatively new institution it has developed in an environment well populated by existing institutions from which characteristics and approaches have been borrowed. However, the apparent coherence purveyed by a statutory framework has been belied by an untidy reality: the current reform process is aimed at containing this reality, and at clarifying, limiting and defining the range of appropriate strategies and procedures open to senior officials. In this respect it probably constitutes, as Cini (2001, 12) argues, a positivist attempt to define and move towards a particular, if by no means comprehensive, organisational culture. Such statutory and organisational devices as can be used are being deployed. But they have to operate within a very diverse «multi-organisation». The achievement of the deeper, cognitive changes amongst senior officials which the reform programme implies will be longer term and more complex. The unwritten understandings about what the nature and scope of legitimate personal action should be, what matters should be passed on, and to whom, what consultation should take place, and with whom, how and when control and audit can properly occur, what leadership means and how it is to be responded to, which shape the daily activity of all officials, will no doubt change as the new structures fall into place. However, March and Olsen's warnings (1989, 95) are pertinent. «Comprehensive reforms ...often seem to fail from the point of view of the manifest intentions and aspirations of their sponsors....the development of meaning becomes a more significant aspect of the reform process than the structural changes achieved». From this point of view what matters for the future of the senior officials of the Commission is whether the different and varied interpretations hitherto open to them of the principles of good governance which are the basis of the institution's legitimacy can be synthesised, clarified, and afforded an adequate degree of coherence.

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