

ERPAP REAP

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CASE STUDY PUBLIC MANAGEMENT IN EUROPE



Interview with Italian Minister of
Public Administration and Innovation
«European changes»

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EUROPA ASSOCIATION

Based in : Faculty of Law and Economics in Limoges,
32 Turgot Str,
87031 Limoges Cedex
General delegation : 11 Albert-Piche Str,
64000 Pau
Secretariat-General : 88 Pont Saint-Martia Str,
87000 Limoges
Website : www.europaong.org

EDITORIAL STAFF AND SUBSCRIPTION TEL

+33 5 59 27 46 11
email : europa@unilim.fr

EDITOR : Robert SAVY, EUROPA president

EDITORIAL STAFF

Editor-in-chief : Giuseppe BETTONI, EUROPA first vice-president
Deputy editor-in-chief : Christophe BONNOTTE,
EUROPA deputy secretary general, Clotilde DEFFIGIER,,
member of EUROPA scientific council
Editorial secretariat : Michel SENIMON, EUROPA
executive officer

Contributors to this issue : Jean-Luc BODIGUEL, first
vice-president of EUROPA scientific council; Anne
AZAM-PRADEILLES, member of EUROPA scientific
council, coordinator of English-speaking experts
in EUROPA network, Bernard PERRIN,, member of
EUROPA scientific council

Belgium: Christian de VISSCHER, David RENDERS
Bulgaria: Antony GALABOV
Denmark: Naja Vucina PEDERSEN
France: Pierre BAUBY, Jean-Luc BODIGUEL,
Jean-Luc BOEUF, Christophe CANTON, Claire CORNET,
Clotilde DEFFIGIER, Delphine ESPAGNO, Jean-Claude
FILLON, Denys LAMARZELLE, Christine LEAL, Hélène
PAULIAT, Nadine POULET GIBOT-LECLERC, Robert SAVY
Germany: Ewald EISENBERG
Greece: Stella KYVELOU
Italy: Renato BRUNETTA, Giuseppe BETTONI, Pietro-
Luigi MASTROGIUSEPPE, Gennaro TERRACCIANO
Ireland: Brid QUINN
Netherlands: Jan KENTER, Laurens ZWAAN
Poland: Jacek CZAPUTOWICZ
Portugal: Vasco Nascimento COSTA
Romania: Marius PROFIROIU
Spain: José Manuel RUANO
Sweden: Kerstin KOLAM
UK: June BURHAM
Ukraine: Anne AZAM-PRADEILLES, Vira NANIVSKA

PARTNERS OF THE EUROPEAN REVIEW OF PUBLIC ACTION

University of Limoges – Observatory of Institutional and
Juridical Changes (OMIJ)
President: Helene PAULIAT, Professor in Public Law,
University of Limoges, member of the University
Institute of France



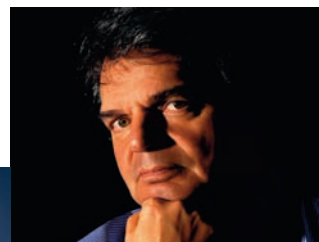
Civil Service Mutual Insurance Company (MFP) -
European Social Cooperation - Development (CSED)
Correspondent: Christine LEAL



The opinions expressed in the magazine represent only
the authors' position

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Presentation of Europa association



Set up in 1995 with the support of the region of Limousin, Europa Association (*Entretiens Universitaires Réguliers pour l'Administration en Europe*) is a France-based NGO, which in 2001 obtained a participatory status at the Council of Europe. Its major mission is to study, analyse and compare the civil services and national or local administrations of general interest in EU member states.

EUROPA is a permanent network of experts. It incorporates public officers, practitioners involved either in person or through their universities, research centres, professional or training bodies with which partnership agreements can be signed. The network members – currently operating in some 20 countries of the European Union – have learned to work together as regards public action in Europe. Since its establishment, EUROPA's major partners have been the region of Limousin and the University of Limoges. This double patronage shows the atmosphere in which EUROPA operates. Our ambition is both scientific and management-oriented. We are trying, with the austerity of academic reasoning, to present an unbiased discussion on the changes in civil service and public service, the challenges they face. Meanwhile, through the information collected on various national practices, we wish to be helpful to decision-makers in the field of national public policies, by giving them means of better response.

It is mainly through the symposiums held in Limoges every year since 1997 – whose outcome is published on a regular basis by university publishing house Presses Universitaires de Limoges (PULIM) – that EUROPA contributes to this discussion. The selected topics on which experts from many European countries exchange opinions and experience, have over the years touched upon very different aspects of public action. We discussed civil ser-

vices at symposiums on *employment in the public sector* (2005), or *the quality of public action* (2004), or *public officers' retirement* (2001). We also touched upon broader issues central to the challenges to public policies, such as *territorial cohesion and public services* (1999) or *public service and religions* (2007), or *public services, competition and regulation* (2008).

In the same vein, EUROPA has lent its assistance to the organisation of seminars or information days in partnership with the national teams of its network in Spain, Italy, Greece, Poland, Romania... It has implemented important study or research programmes for its public or private partners, including the Council of Europe (*Good Practices in Intermunicipal Cooperation in Europe* – 2007), the Interministerial Delegation for Regional Planning and Competitiveness – DIACT (*Public Services – One-Stop Shops in Europe*) or the National Centre of Territorial Civil Service – CNFPT (*Local Civil Services in Europe* 2005-2007).

In conclusion, in its attempt to stay in contact with the reality of civil service and its missions in its partner region of Limousin, since 2004 EUROPA has been organising in Limoges a forum on employment in the public sector, where students meet decision-makers of the major national and local public services. Meanwhile, it was the initiator of the establishment of a Regional Observatory of Professions and Employment in the Public Sector, an area of dialogue on good management practices, as well as a Regional Observatory of Evaluation of the Performance of the Public Sector in Limousin.

Therefore, the European Review of Public Action, released by EUROPA, is situated in the straight grain of these concerns.

First of all, because it is European. We

are aware that Europe is our horizon. Everything that enables Europeans to learn more about each other, exchange experience, be aware both of the diversity of their traditions and the unity of their values is a useful contribution to the European project.

Moreover, because the European Union needs public action. All member states have acknowledged that to date there is no alternative to the market economy: it is everywhere, with differences related to national specificity, and recently to the degree of development. However, everywhere there is awareness that democracy, public freedoms, social and territorial cohesion can be put at risk in the absence of public action to prevent or curb the possible negative trends. The European Review of Public Action plays a role in the description of how the efficiency of action and the respect for Europe's values can be reconciled everywhere.

Robert SAVY,
EUROPA president, government adviser (H)



Michel SENIMON
EUROPA executive officer



A new magazine ... why ?



The “launch” of a new magazine is always tricky, particularly if it is manifestly ambitious to be European! But still here is the European Review of Public Action – which offers an original perspective compared to its counterparts; it is launched to give a specific meaning to the existence and operations of a network functioning for over 10 years. Following its recognized scientific achievements, mostly in the form of symposiums, university exchanges, Europa Association decided that it is high time to further structure its activity, to prove to be more readable as regards its partners, to offer benefits to the administrative circles with the totality

of its experience and reflections.

The gradually established network includes universities, civil servants from central or local administrations, elected officials, politicians or high-ranking officials; it was structured around several topics such as public services, civil service, public administration, which justifies the title of this magazine. The first part is devoted to news stories of the public administration in the EU member states or candidate countries, in the field of local democracy, public services, public management, sustainable development. The second part focuses on social protection - a widely discussed issue. The third part presents a case study depending on the topical news. The last part describes one of Europa’s partner institutions; it can concern a research centre (which is the case in the first issue), an association, an institute, an organisation of civil servants...

The first issue is to focus on a wider range of topics, so that the different members of the association can present the discussions held in their respective countries. The topic of the public management in Europe was selected to outline current key issues, such as the recruitment of civil servants and mainly their non-replacement for budgetary reasons, their training, mobility, their professional career, remuneration, in a more scientific way, the organisation of public management... The magazine does not target to pinpoint the policy to be pursued in the field: it simply seeks to introduce public administration practices in EU member states, at a moment when Community integration sometimes appears to be in a standstill, often due to lack of information and knowledge on our neighbours’ practices. Explain, raise awareness, understanding... a programme which proves to be essential for an association definitely diverse in terms of members !

Giuseppe BETTONI
FIRST VICE PRESIDENT OF EUROPA
EDITOR-IN-CHIEF

Hélène PAULIAT
PRESIDENT OF EUROPA SCIENTIFIC COUNCIL

Interview with Renato BRUNETTA

Italy's Minister of Public Administration and Innovation

INTERVIEWED BY FRANCOIS MEYER

"We should change administrative culture to make it closer to the culture of the private sector"

What are the challenges to the modernisation of public administration in Italy ?

Currently public administration in Italy has a dormant untapped potential, which is rather promising, though. A study showed that a 10% rise in the productivity of the Italian public administration would enable a 2-point growth of the country's GDP. A 20% rise in the productivity of the public administration, in 3 to 5 years, would lead to gains of over EUR 40 billion, without a negative impact on the social sphere and employment. To unlock the potential of productivity is conditional upon the willingness of the government, social partners, citizens. Let's say that this policy can improve the performance of the private sector, which is currently struggling with cumbersome and unequal bureaucracy. After all, the modernisation of the Italian administration will be in favour of the development of Italian society as a whole.

What are the preliminary actions to trigger this modernisation ?

The productivity of the Italian public administration is low compared to other

European administrations and to the private sector. The lack of competitiveness results partly from poor organisation of structures and implicitly from poor distribution of resources. Our priority should be to rectify this. Currently, dismissals are very few, mobility is insufficient and career development is rather automatic and gradual. We have to make efforts to align the public sector and the private sector. We'll have to adopt a remuneration scale identical with or similar to the one in the private sector, especially for the remuneration upon appointment. Meanwhile, it is essential to reinstate the role of the employer in the public sector; somebody to be held responsible for any "failure" of the administration - just like it happens in the private sector.

What are the efforts required to ensure this modernization?

Some examples come first to my mind. We should entirely reconsider the production process in administrations, in a bid to ensure savings and improve the satisfaction of the citizen, and the customer. Hence, we should simplify procedures, and provide for more responsibilities. Also we have to capitalise more on human resources and refocus our HR policy towards a more proactive and involved policy. Finally, we should change our administrative culture to make it closer to the culture of the private sector, where words such as responsibility, independence and productivity have a concrete meaning. To make these efforts, we have to conduct comparative studies/ benchmarks at well-performing public administrations abroad. The analysis of this experience will help us define our own actions. We have already started making some of these efforts. We shall launch other in the coming weeks or months.

What are the first measures you will undertake to get involved in a concrete way in these efforts?

Staff evaluation should be the driver of a modern public administration, with performance-based bonuses, satisfaction of citizens and the staff itself. We are definitely committed to this goal. A totality of targets will be set to measure and evaluate the performance of the public administration. To ensure transparency, the data on the evaluation of the individual administrations will be published on the Internet, where citizens will be able to make proposals for improvement and report any irregular or unsatisfying service.



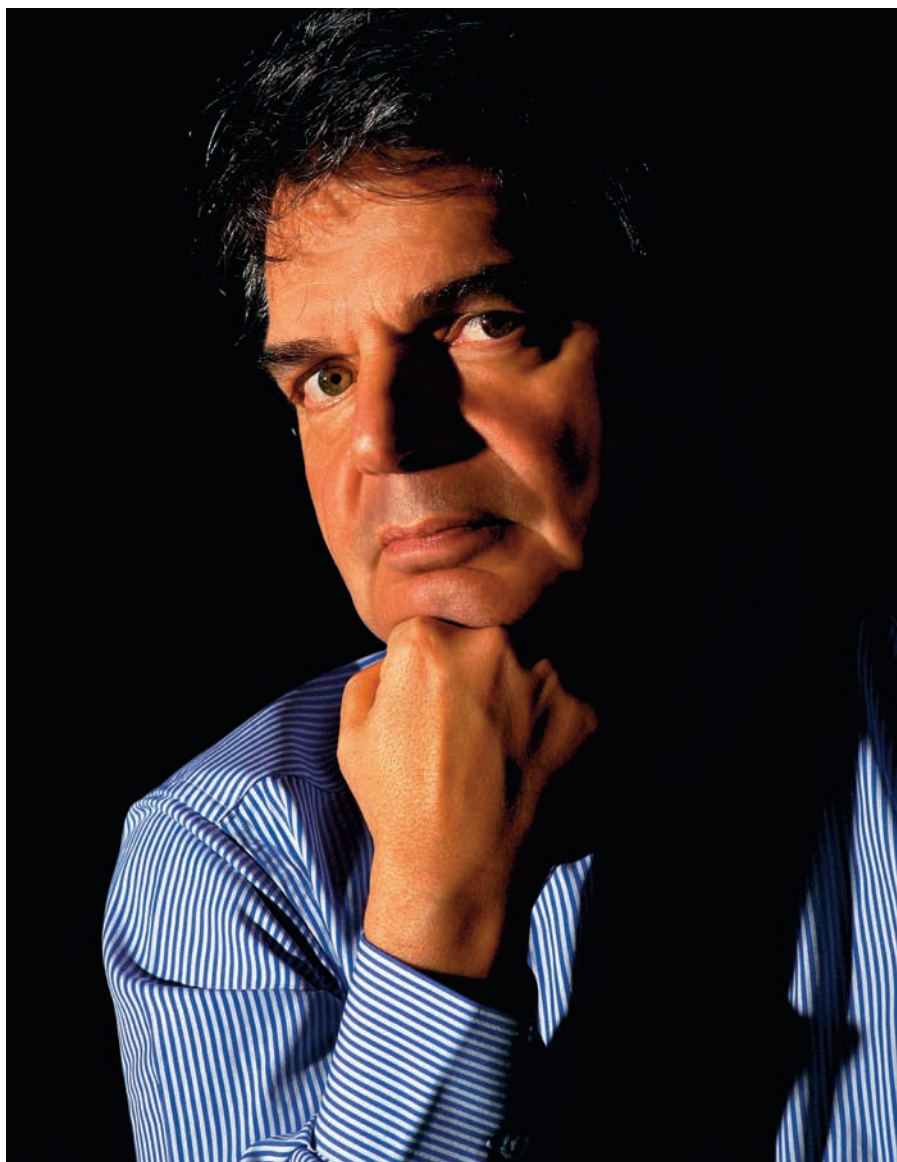
To boost creativity, innovation and independence of civil service, career development should be independent from favouritism and age.



We should also capitalize more on human resources.



The introduction of performance-based pay should also be high on the agenda. The performance-based work can be a driver for climbing the social ladder, as it is a factor for setting an example. Meanwhile, savings ensured by the administrations within their actions of modernization could also be used for remuneration of executives and civil servants. We also need to reinforce independence and responsibility of public employees in HR administration, granting them exclusive competences in staff evaluation, pay rise



and remuneration of productivity and mobility. To boost creativity, innovation and independence of civil service, career development should be independent from favoritism and age.

Within the modernization plan, you are also planning actions in public property management. What are they?

We have to ensure the optimum use of public real estate. Public buildings have to house more operations than they do now in order to group together related services for the benefit of customers, and for the purpose of sharing available human resources. The state has to divest of its residual parts of unused or under-used government buildings. Finally, we have to ensure synergies with other par-

tners which are present in the area (e.g. post offices, banks).

What is the role of new technology, internet, in the modernisation process?

It will be central as we have to push ahead towards a dematerialised public administration. We need full sharing and interoperability of databases of central and local administrations. Public administration has to be able to respond as a single entity in the dialogue with citizens and businesses. Citizens and businesses won't have to give their data several times as they will be already available at every public administration. Furthermore, call centres will help citizens and businesses in the administrative process.

CV – IN BRIEF

Mr. Renato Brunetta was born in Venice on 26 May 1950. He is a professor in labour economics at the University of Rome Tor Vergata. On 8 May 2008 he was named Minister of Public Administration and Innovation by the XVI Legislature in the IV government of Berlusconi.

Since April 2008 he was MP of the Chamber of Deputies, elected by the constituency of Veneto II from the list of Popolo della Libertà.

From June 1999 to April 2008, he was Member of the European Parliament, elected from the list of Forza Italia and part of the EPP group, where he held the position of vice-chairperson of the Industry, Research and Energy Committee. Moreover, he was member of the mixed parliamentary delegation of EU-Croatia, the mixed parliamentary delegation of EU-Turkey and the delegation of relations with the People's Republic of China.

He is responsible for Forza Italia's sector programme and in 2007 he became national deputy coordinator.

He is also a columnist for newspapers *Il Sole 24 ore* and *Il Giornale*. He is the author of a number of scientific publications on labour economics and industrial relations, including: *Il modello Italia*, (The Italian Model) (1991), *Economics for the new Europe*, (1991), *Disoccupazione, isteresi e irreversibilità* (Unemployment, Hysteresis and Irreversibility) (1992), *La fine della società dei salariati* (The End of the Society of Salaries) (1994), *Sud* (South) (1995), *Economia del lavoro* (Labour Economics) (1999).

Founder and director of Labour: Reviews of Labour Economics and Industrial Relations, published by Blackwell Publishing Ltd. Together with Vittorio Feltri, he was an editor of the collection *Manuale di Conversazione Politica* (Manual of Political Conversation), published by Libero and Free Foundation and the collection *Manuali di Politica Tascabile* (Pocket Political Manuals) released by *Il Giornale* and Free Foundation.

In the 1980s and 1990s, he was an economic adviser to the governments of Craxi, Amato and Ciampi. In 2003-2006, he was an economic adviser to Prime Minister Berlusconi.

From 1985 to 1989, he held the position of vice-president of the labour and social affairs committee of the OECD (Paris). From 1983 to 1987, he was responsible at the Ministry of Labour for all employment strategies and income policy. In 1989, he set up EALE (the European Association of Labour Economists), and he became its first chairman.

In relation to his career, he was awarded a number of prizes: in 1988, the Saint Vincent Prize of Economics; in 1992, the Tarantelli Prize for best work on labour economics; in 1994, the Scanno Prize for best work on industrial relations; in 2000, the Rodolfo Valentino International Award for economics, finance and communication.



New polyclinics in England

Sixty years after the establishment of the national health service, the access to which depends on the GP, the Department of Health is setting up care centres, offering not only the usual primary care, but also some diagnosis services (including psychological), and minor surgical interventions. The aim is to improve the access to healthcare – these clinics will be open to everybody 12 hours/6 days. Each of the 152 'health districts' in England is obliged to create at least one polyclinic. London's districts are planning to open 150 for 2009, against the will of the medical circles. For the time being, the other parts of the United Kingdom are not eager to follow England's example.

June BURNHAM



Developments in Germany's administrative and territorial organisation

Within the main reform of German federalism, launched in 2006, the number of legislative areas in which the *Länder* have the right of veto via the *Bundesrat*, was reduced from 60% to 40%. In return, the *Länder* obtained significant legislative competences, which each *Land* can exercise on its own.

The second phase will be dedicated to public finance reform. Each level should bear more responsibility for its own finance. The future will show to what extent the principle of federal solidarity, applied via a financial balancing system, will be replaced by enhanced competition among the different parts of the whole.

Ewald EISENBERG



The future of the department

Nadine POULET

Associate Professor in Public Law – University of Limoges
Faculty of Law and Economics of Limoges – OMIJ

The issue came under the spotlight with the Attali report, which recommends "strengthening of the regions and the intermunicipal bodies by removing the departmental level in ten years". Amid increasing criticism, its survival becomes questionable.

I – Seemingly outdated and controversial

It has become more of a perimeter than a territory, which leads to the erosion of its identity. Being simultaneously an authority and an administrative district, its electoral system has become obsolete, without any reform being on the agenda. It operates in a competitive environment, where it is not in a favourable position. The regions and the intermunicipal structures tend to be dominant. It has some influence only in rural areas, in small municipalities, but namely they are doomed to disappear with the shake-up of the administrative map.

The department is increasingly becoming an auxiliary institution.

The transfer of competences towards it has granted it only limited room for manoeuvre. This puts a strain on its operating budget: the contributions and subsidies it pays, mainly in social affairs, represent 70%

of its operating expenses; those linked to public roads, one-third of the budget. Meanwhile, due to its competences it has only limited room for action. As far as social affairs are concerned, for example, it determines neither the level of service, nor the conditions for access to social benefits.

Thus, its spending was rigidified under the effect of transfer of competences, weighing on the investment policy in all its forms. It is no longer an authority with a specific task, but an auxiliary institution. Its future seems to be compromised.

II – Destined to disappear or to change

A first option would be to disappear. As it is nothing but an auxiliary structure, it is no longer justified to keep it as a territorial authority. The powers of a departmental prefect are now limited for the benefit of those of a regional prefect. The state reform is to a lesser extent based on the department and privileges the region. Its disappearance as a territorial authority will lead to the redistribution of its competences between intermunicipal structures and regions.

However, for political and technical reasons, the government does not seem

to opt for this possibility, at least not in the short term.

The other option would involve its change, which could take several forms. In the first place, a clarification of the competences of central and local authorities, and among the local authorities themselves, as required by the public authorities, will affect it and is likely to contribute to its degradation. The Lambert report recommends a review of the general competences clause, and the follow-up of this proposal may include the introduction of a hierarchy of local authorities – with the region being the natural winner.

Another option is its transformation into a departmental agency, as it has turned into an executive body of national policies. This concept seems better adapted than that of a decentralised service, as it ensures larger management autonomy. This transformation may cover only some of its current competences, social affairs in particular, as the others will be transferred to regions and intermunicipal structures.

Its fate has not been decided yet, but its future is already clearly outlined.



Macro-budgetary management of local finance

Jean-François HUSSON, Secretary-General of the Inter-University Centre of Continuing Education (CIFoP), member of EUROPA scientific council, Research Fellow at the University of Liege
Marie-Christine STECKEL, Associate Professor at the University of Limoges, Faculty of Law and Economics of Limoges – OMIJ, member of EUROPA scientific council

The macro-budgetary management of local finance, i.e. its relation with national (or regional and federal in federal states) public finance, is a question whose importance was highlighted by European budgetary rules, first in the Treaty of Maastricht, and then in the Growth and Stability Pact.

General context

The main finding is simple: the local authorities in EU-27 are an important public sector player; therefore, it is crucial to open a dialogue based on the triptych of Resources/Expenses/Deficit, developing the cooperation mechanisms between the state -- or the federated entities, if applicable -- and local authorities. However, the analysis of the local finance regulations in the EU-27 member states, leads to the conclusion that there is certain generalisation of the regulatory system, characterised by concentration of rule-setting, monopoly over strategy drafting, and control over local finance management by the state. However, recognition, dialogue and consolidation of local financial autonomy contribute to the emergence of a real cooperation.

In addition to this comes the impact of a priori technical questions, as the possible effect of the appli-

cation of the SEC95 national accounting standards at the local level. To a large extent this may restrain the investment policy of municipalities, as the Belgian example shows.

Another important issue is "the culture of performance", which takes up a new dimension with the challenges to be faced, namely the knowledge economy and the reorganisation of administration.

Operating system

The budgetary balance of the public administration results from its sub-sectors -- the central administration, social security, federated entities and local authorities. In Belgium, the mechanisms for budget cooperation between the federal authority and the federated entities (communities and regions) take into account the local authorities, although they are not represented in specific institutions such as the High Council of Finance. Namely regions, the regulatory authority, represent local authorities before the federal power, and cooperate with local authorities in order to harmonize individual decisions (budget approval or municipal management plans) with the general framework. To do this, they rely on specific tools (budgetary and financial planning tools, supervision, management plans,

instrument panels, etc).

Reflections to be retained

Having said that, macro-budgetary management cannot be separated from the traditional but still fundamental debates related to fiscal autonomy of local authorities, horizontal and vertical balancing mechanisms, and to the debate on budgetary constraints of municipalities and the priorities of this level of authority in terms of public policies and thus, public spending.

Based on contributions of Michel Bouvier (GERFIP, FONDAPIP, Paris 1), Arnaud Dessoy (Dexia), Olivier Dubois (Union of Cities and Municipalities of the Wallonia), Dominique Hoorens (Dexia-CLF), Jean-François Husson (CIFoP), Johan Ide (ABB -- Flemish region), Bernard Jurion (University of Liege), Claude Parmentier (CRAC Walloon Region), Marie-Christine Steckel (University of Limoges), Luc-Alain Vervisch (KALYPS) during the 5th Conference on Local Finance, organised in 2008 in Brussels by the CIFoP, with the support of Dexia and the Union of Cities and Municipalities of the Wallonia. Several of these contributions are available for download on the website <http://www.cifop.be>.



Outcome of a report -- between motivation and continuity in Bulgaria

According to the 2007 annual report of the Ministry of Public Administration and Administrative Reform, 45.7% of the administrative structures have launched motivation mechanisms targeting young employees, to give them a clear vision of their professional development. At the same time, in the last three years, senior positions have been increasingly held by officials aged over 60, while the number of younger officials has fallen and stabilised at around 12.1%. This trend seems worrying in relation to the efficiency of motivation, as well as for the prospects of a generational replacement, desirable for the Bulgarian public administration.

Antoni GALABOV



Reshaping and relocation in Ireland in 2008

At central level, the main change concerns the relocation of 2,000 civil servants to 33 units in the country; 6,000 employees should leave Dublin by 2011. At regional level, a transport authority was set up for the Greater Dublin Area, which coordinates the infrastructure and the public transport services. As for the whole island, the North/South Ministerial Council continues its work through its executive bodies (waterways, food safety, tourism, trade) and joint actions (infrastructure, agriculture, cross-border mobility). The two territorial administrations pursue their collaboration in four areas: communities, customers, administration and benefits.

Brid QUINN



Participatory budgeting and participatory democracy in Italy

The *bilancio partecipato* is in line with Italian participatory democracy. The city of Rome, and its IX district in particular, set an example.

Participatory budgeting is an expression of the will to build a relation between the territorial authority and citizens via their effective participation in budgetary management. The assemblies of the seven neighbourhoods in Rome's district set up working groups for every issue included in the budgetary discussions: public roads, cultural policies... Every resident of the district aged over 14 has the right to participate in their work. However, the success of the system has been toned down by the reduced size of the budgets in question.

Giuseppe BETTONI



Budget and participatory democracy in Spain

The city of Las Palmas de Gran Canaria, the ninth-largest Spanish city with 377,000 inhabitants, has started to implement one of the most ambitious participatory budgeting projects. The local council seeks to involve citizens in defining the city's problems and the search of solutions, specified in the budgetary forecasts. The authorities hope to create permanent channels of communication with citizens and to favour accountability.

José RUANO



The local referendum

Clotilde DEFFIGIER
Associate Professor in Public Law – University of Limoges
Faculty of Law and Economics of Limoges – OMIJ

The referendum is certainly among the most widespread instruments of direct democracy at local level, and in any case the most popular one. The European Charter of Local Self-Government (Article 3) defines it as an inevitable element of modern democracies. Along with the system of representation, it should shorten the distance between the citizen, the elected official and the public authority. It is particularly interesting, as it can offer citizens the right to decide, but at the same time it is called into question by its limited application, to such an extent that it can seem as a kind of illusion.

I-Inevitable, but still very restricted, democratic procedure

In 2001, the Council of Europe's Committee of Ministers invited member states to 'introduce or improve the provisions regulating local referendums'. Therefore, in general, European states have such mechanisms. However, the regime of application is homogenous and rigorously restricts their implementation.

The initiative may be reserved to local elected officials, the executive power or deliberative assembly, or more rarely, it comes exclusively from the population. In most states it is shared,

and the regulations require a minimum percentage of voters to support a demand, in general between 10 and 25%. However, sometimes the local assembly is not obliged to satisfy the demand (Belgium, Portugal, France).

As far as the nature of the referendum is concerned, it may lead to an opinion or to a decision. The referendum is of a consultative value in numerous states, including Belgium or Spain. This raises the question whether the organisation of referendum is not usurped.

The referendum is limited to questions relevant for the competences of the organising authority; therefore it excludes budget, taxes and the status of elected officials.

In addition, the rules for organisation can be very restrictive. In France, apart from the time limits, voters have the right of initiative only through a petition, and the proposal is adopted only if at least half of the registered voters have cast a ballot. It is understandable that its use is very limited.

II-Really limited impact

The scarce statistical data concerning the use of local referendum lead to the conclusion that territorial authorities, such as municipalities in particular, appar-

ently rarely resort to it. It can be also a source of discord, like in France, where the mechanism is used for the purpose of political claims.

Apart from its complexity and cost, it establishes a bridge between policies and involves democratic responsibility, which considerably discourages its use. Thus, from 1991 to 1999 in Finland, only 26 out of 453 municipalities resorted to it. On the other hand, Germany has organised around 1,200 local referendums since the introduction of the mechanism in the 1980s.

It is worth noting that in general the mechanism is not offered to intermunicipalities, although they tend to hold the largest part of local competences, and even if available, the structures do not use it at this level, like in Spain.

The local referendum is not necessarily a panacea; its rules may need to become more flexible, as well as debates at higher levels may be needed. Perhaps the future belongs to other more deliberative systems: interactive websites, citizens' juries, citizens' councils or committees, consensus conferences.



Efforts to reinforce citizen participation in Danish public sector

Citizen involvement through networking

Traditionally, the Danish public sector is organised on the principle of hierarchical decentralisation. The Parliament defines the framework within which local authorities have the powers to delegate their responsibilities to local administrative institutions, which, in turn, delegate them to local municipalities or external players.

In the last ten years there have been attempts to structure the public sector around networks and partnerships, in order to meet demand for enhanced citizen participation. In particular, this demand calls for collaboration between local authorities, private sector and civil society. The latest and most ambitious effort is the implementation of the Structural Reform Plan (*Strukturreformen*), aimed at transforming the decision-making process at local level by redrawing the municipal map, which has remained more or less unchanged since 1970.

The Structural Reform

In 2004, the Danish government – a coalition of the liberal party Venstre and the conservative party,

supported by the nationalist party Danske Folkeparti – launched the local-level restructuring of the Danish public sector. The Structural Reform Plan (SRP), which entered into force on 1 January 2007, reduced the number of regions to 5, while the total number of municipalities was cut from 275 to 98, thus raising the number of their population. Each municipality is also supposed to be responsible for as many tasks as possible, to ensure that local tasks are dealt with at local level.

One of the SRP objectives was to strengthen democracy by increasing the domains of responsibility of local and semi-local authorities, thus involving citizens in a more active way, encouraging them to take part in the decision-making process. This implies the organisation of meetings and debates at local level, encouraging discussion in local newspapers and mail shots, and making information accessible on the Internet.

However, it is questionable to what extent the reorganisation of public decision-making has really reinforced citizen participation. In particular, concerns focus on the identified problems relating to the lack

of transparency and excessive red tape, due to the enlargement of municipalities. Moreover, it has been suggested that, instead of effectively promoting bottom-up democracy, the impact of the SRP will be counterproductive, enhancing centralisation and leading to a situation where the room for manoeuvre of municipalities will be constrained by the central government more than ever.

Bibliographie:

Agger, Annika & Lögren, Karl (2008) *New Models of Local Democracy – Do Different Institutional Settings Impinge on Different Normative Criteria?*, Department of Society and Globalisation, Roskilde University, Denmark.

Fokus-Nyt (2003) *Kommunestrukturen i et historisk lys*, numb. 24, December, FOKUS, Denmark.

Indenrigs- og Sundhedsministeriet (2004) *Aftale om strukturreform*, Indenrigsog Sundhedsministeriet, Nordsjællands Trykcenter, Denmark.

Socialforskningsinstituttet (2004) *Det kommunale Råd – Kvalitet effektivitet og forskellighed i velfærdsydelserne*, Jan. Social Forskning, Denmark.



Belgium: a state on borrowed time ?

Since the last federal elections in June 2007, Belgium has been in a breath-holding situation: will the federal government succeed in a new state reform, thus avoiding a separation between the north and the south of the country? The gap in the positions of the Francophone and the Flemish negotiators is so big, that this is far from simple. The issue that brings together all the opposition is that of the split of the (bilingual) constituency of Brussels-Halle-Vilvoorde, more commonly known as BHV. The Flemish parties, supporters of the linguistic frontier idea, vociferously call for that split, on the basis of a ruling of the Court of Arbitration. In return, the Francophone parties request compensations, namely expanding the boundaries of the Brussels-Capital Region – the country's third region along with Wallonia and Flanders – wholly enclaved in the Flemish territory. However, the Flemish are set to prevent at any cost the insertion of a 'passage' between the Walloon and Brussels regions, which would reinforce the Francophone axis in the Belgian state. Now negotiations are on the agenda, under the leadership of new Prime Minister Herman Van Rompuy (61, Flemish Christian Democrat), to whom the king assigned the sensitive task to defuse explosive issues at community level, while at the same time implementing an ambitious economic reform programme.

Christian de VISSCHER



Working conditions at British public service providers

Following the agreements of July 2008 between British ministries, trade unions, employers' associations and tertiary-sector bodies, public service providers working under government contract have to guarantee that officials work under conditions similar to those in the state civil service. These agreements concern in particular the access to training and trade union rights. This is an agreement, rather than a law, as under Community regulations a call for tender cannot require the recognition of trade unions from a contractor.

On the other hand, the minister in charge of equality drafted a law for 2009, entitling every public entity to impose on its providers transparency requirements concerning its staff, especially as regards the proportion of the disabled, or minority representatives, and the absence of a gender pay gap. However, the HM Treasury is hesitant, estimating these measures as too restrictive for businesses, after employers already accepted the Community compromise of June 2008 on other working conditions. The compromise concerns the permanent derogation from the Community directive on maximum working time (48 hours), provided that companies offer temporary workers the terms of a permanent position (parental leave, equal pay) after six weeks, instead of previous six months.

June BURNHAM



Efficiency and improvement of public services in Ireland

Brid QUINN
Lecturer in Public Administration at the Department of Politics and Public Administration, University of Limerick, Ireland

The negative vote in the referendum on the Lisbon Treaty (53.4% against 46.6% on 12 June 2008) had a great impact on the relations of civil servants and politicians and EU players. It showed the division between the elite and citizens and had repercussions on the public service, as well as on institutions like the Joint Committee on European Affairs and the National Forum on Europe.

OECD's report 'Towards an Integrated Public Service', presented as "an authoritative evaluation of the current state of Irish public service", recommends:

- A closer link between public service planning and offer
- The elimination of barriers to employees' mobility and the establishment of senior civil service
- Improvement of performance measurement mechanisms
- Integration of evaluation culture
- Development from input control towards precise definition of output
- Reinforcement of the connection between analysis and decision-making
- Reduction of the control-oriented approach

- Emphasis on meeting citizens' needs.

A draft national agreement on salaries, adopted by the social partners in September 2008, contains commitments to the modernisation of the public service.

A commission on taxation was set up to study the structure, the efficiency and the relevance of the fiscal system, and to address the issue of the carbon tax.

The ministry departments undertook 'efficiency studies' to identify proposals, which would allow the optimisation of savings in administration, while retaining services interacting with citizens (an estimated over EUR 50 million in savings).

Much controversy still surrounds the Health Service, which has adopted the approach of a *unified health service* (2005) to replace the regional health committees and provide better services. Currently, health services account for 30% of the total gross spending. Difficulties still remain as regards structure, communication and chains of responsibility. Consultants have recommended reorganisation of the management, merger of hospitals and local care centres, and transfer of decision-making to local level. However, no precise plan for

the implementation of the recommendations has been published.

The public consultation on the Green Paper on Pensions provided an exhaustive revision of pensions: demography, sustainability and available options.

Further efforts are channelled into the improvement of the legal basis. A study on the implementation of the Regulatory Impact Analysis (RIA) (June 2008) proposes a series of recommendations to specify the identified progress. A bill was drafted to extend the competences of the Mediator and thus to increase citizens' possibilities.

A Green Paper on Local Government Reform sparked off a public debate. It suggests restructuring and adjustment of the balance between reserved and executive functions, direct election of mayors, new participatory mechanisms and enhanced integration of services. A White Paper should provide the broad guidelines of policies and a schedule for implementation.

Work continues in the North/South Ministerial Council and its executive bodies. The collaboration between the local authorities continues via the All-Island Local Authority Steering Forum.



Difficulties in mutual understanding

Hélène PAULIAT

Professor in Public Law, University of Limoges, member of the University Institute of France, Dean of the Faculty of Law and Economics of Limoges

The Protocol on Services of General Interest (SGI), annexed to the Lisbon Treaty, recognises for the first time in a provision of primary Community law the non-economic services of general interest (NESGI), along with the services of general economic interest (SGEI), the SGI and the social services of general interest (SSGI).

The concept of NESGI is legally correct, as it highlights the fact that these services do not pertain to the economic domain and therefore, are not subject to competition regulation. However, it is not perfectly relevant, as every service may assume economic character: it would have been more appropriate to evoke non-tradable services, activities that do not take place on a market, and thus may not fall within the scope of competition (see in France, Council of State Decision of 31 May 2006,

Lawyers at the Bar of Paris).

The concept can, however, put an end to some terminological uncertainties: in fact, Community institutions do not always refer to the same thing when they evoke different services. The European Economic and Social Committee, the Parliament and the Commission do not understand the concept of SGI in the same way: whether it covers both tradable and non-tradable services, or it is more restrictive, excluding non-tradable services? The new acronym might clarify the situation.

Not all difficulties have been resolved: some concepts overlap, thus, depending on their characteristics, public social services of general interest may concern either SGEI, or NESGI. The NESGI category in general covers the activities linked to the

fulfilment of powers of the public power and exclusively social activities. But the borderline remains blurred, as the domain of vocational training proves it.

The requirements for clarity and intelligibility in law are not met in this sensitive area. This is even more pitiable as Community law is based, *inter alia*, on the principle of uniform interpretation; its uncertainties deprive concepts of their potentialities: universal service is an example, which sometimes turns from a dynamic concept, a carrier of new rights, into a synonym of discount services.



The potentialities of the Treaty of Lisbon

Pierre BAUBY

Chairman of Reconstruire l'Action Publique (RAP), member of EUROPA scientific council

The Treaty of Lisbon, signed on 13 December 2007, which will enter into force after being ratified by all states, comprises three major innovations in the field of public services or services of general interest.

1/ Article 14 of the Treaty on the functioning of the European Union is explicitly the legal basis of secondary law, which results from a co-decision of the Council and the Parliament and not only of the Commission. It explicitly refers on two occasions to the powers and rights of member states and their authorities and has to be applied to all EU policies, including internal market and competition.

2/ The legal value of the Charter of Fundamental Rights: "the Union recognises the rights, freedoms and principles set

out in the Charter of Fundamental Rights of the EU..., which shall have the same legal value as the Treaties."

3/ Protocol No 9 on SGI, annexed to the two Treaties, with the same legal value as the latter, as it is an "integral part" thereof, concerns not only the services of general economic interest, but all SGI, either qualified as economic or non-economic.

If a service is qualified as "non-economic", Article 2 states clearly that the Treaties "do not affect in any way the competence of member states to provide, commission and organise" that service.

If a service is qualified as "economic", Article 1 obliges Community institutions to respect at the same time "the essential

role and the wide discretion of national, regional and local authorities in providing, commissioning and organising" that service; the respect of "the diversity between various services (...) and the differences (...) that may result from different geographical, social or cultural situations"; as well as the principles of "a high level of quality, safety and affordability, equal treatment and the promotion of universal access and of user rights".

Thus, the Treaty of Lisbon represents clear progress compared with its predecessors as it creates new potentialities to guarantee and secure the services of general interest. But a strong political pressure will be needed so that these potentialities lead to concrete measures.



Good practices for governance in society

In Portugal there is broad consensus for the adoption of good practices for governance in society. State-owned companies should be governed so that they can achieve high levels of performance and contribute to the dissemination of the best international practices, in particular in the field of strategies to support economic, social and environmental policies.

A Council of Ministers Decision of March 2007 applies to the state these principles concerning state-owned companies:

- as the owner of a holding in companies' capital and a stakeholder.
 - and to state-owned companies, mainly in terms of mission, objectives, general principles of action, administrative and fiscal structures, transparency of remuneration and prevention of conflicts of interest.
- The legal status of officials in state-owned companies was also modified in order to be closer to that of employees in private companies, and to promote guarantees of respect of ethics and good practices according to international use:
- in the field of performance appraisal (widespread adoption of a contract of management by quantified objectives and possibility of dismissal without compensation in case of missed objectives),
 - remuneration setting (distribution of bonuses depending on the achievement of previously set objectives),
 - and in the social security scheme.

Vasco Nascimento COSTA



Comparative analysis of performance culture in European civil services

Denys LAMARZELLE, PhD in Management Science, Director of the civil service of local governments, member of EUROPA scientific council

The last twenty years have been marked by a process of profound transformation of public services in Europe due to the economic globalisation and the competition between states, the development of new technologies, the sometimes difficult adaptation of public services to market rules, and the expectations of citizens in relation to technological developments and the economic crisis.

Europe now imposes on public services modernisation based on performance culture. Without necessarily reducing staff, many states have launched reforms aimed at improving the productivity of their public sector. The willingness to get engaged in an objectives/results logic is now present in many public policies.

In general, the states that implemented such reforms have made commitments in three directions: simplification of administrative procedures, first taking care of the opinion and the place of the citizen-user with regard to the administration; introduction of monitoring of quality of services, and, as a result of the first two, the modernisation of administrative structures by better human resource management and by development of monitoring and financial control tools.

The development of information and communication technologies strongly supports these various processes. Senior officials, directly involved in management, are bound with performance-based contracts, including rewards and sanctions, and are evaluated on a regular basis. These processes have a certain impact on public organisations that implement the following major principles:

- decentralisation and devolution of decision-making;
- more flexible human resource management;
- entering into competition with the private sector

In order to obtain significant results, devolution seeks to give responsibilities to local authorities and grant them certain autonomy.

This will be implemented through mid-term strategic plans, which enable the definition of clear objectives, while identifying centres of responsibility and envisaging performance contracts. In parallel, monitoring tools for management and evaluation are elaborated. Some countries have chosen to try to control their public sector via the staff. Certain states in northern

Europe have opted for a civil service governed by rules similar to those in the private sector. However, some countries in the south already have working conditions managed by collective agreements.

The separation between strategy and operations is increasingly desired. Resorting to executive agencies, which enjoy considerable autonomy and function similarly to the private sector, is becoming more common. But they are accountable also to local governments and to their directors.

Behind this logic, putting public players into competition with other (state or private) entities, is already possible. In general, the use of public funds by public services should be accounted for before the population in a completely transparent way. In fact, the evaluation of these policies is not available yet and it is too early to measure the real impact. But the movement is underway and now no steps backward will be allowed.



Agenda 21 of French territorial authorities: progressive rise to power

Christophe CANTON, in charge of sustainable development for Agenda 21, General Council of Midi-Pyrenees

An increasing number of French territorial authorities are getting involved in the implementation of Agenda 21, i.e. territorial projects for sustainable development.

According to the Committee 21, an association specialising in relevant assistance to local authorities, the number of Agenda 21 projects should double by the end of 2009 in France (if we believe in the intentions of the elected officials). Thus, the country should have nearly 600 projects launched or completed by end-2009, versus 298 on 1 January 2008.

All territorial authorities are concerned: municipalities, public bodies for inter-municipal cooperation, departments,

regions.

Apart from its quantitative aspect, Agenda 21 is developing also in terms of quality. Experts in the country estimate that these sustainable development projects are increasingly comprehensive, integrating to a larger extent the social dimension, and are no longer confined to the environmental dimension of the problems.

The rise to power of Agenda 21 in France is based on several factors. On the one hand, the population and local politicians become really aware of global issues (depletion of raw materials, climate threats). On the other hand, the current

financial restrictions urge the leaders of local authorities to modernise the functioning of their administration. To this end, certain elected officials opt for a sustainable development project as Agenda 21, which allows them simultaneously to cut their spending and to highlight their efforts in terms of exemplarity (environmentally responsible public procurement, lower consumption of energy and paper, transport optimisation).

However, despite the recent progress, it has to be recalled that French territorial authorities lag behind their European neighbours, in particular in northern Europe.



The Mediterranean city in the face of climate change: innovation, investment, governance for a low-carbon city

Stella KYVELOU, Assistant Professor, Panteion University of Social and Political Sciences, Athens, chairperson of the SD-Med Association (www.sdmed.info)

This conference, organised on the initiative of the International Network of SD-MED, under the auspices of international organisations iISBE, CIB and UNEP, is part of the regional preparatory meetings for the SB08 World Conference (Melbourne, September 2008). The contribution of the meeting in Athens to this conference was the report 'A Low-Carbon City? The Mediterranean Answers'.

The SD-MED network concerns all countries in the Mediterranean basin and some Balkan states. SD-Med is working for decentralized cooperation in sustainable development, through its international activities and its institutional partnerships. It has established a large network of teams and national delegates in the Mediterranean. Thanks to their activities, delegations from different countries of the SD-MED network were present at the event in Athens, to account for the current state of their countries in terms of policies,

strategies and good practices, aimed at better management of the environmental impact of the city, especially in relation to climate change.

Amid large attendance, the conference was opened by the Greek Minister of Interior, whose speech focused on the complex debate on climate change, as well as on the measures taken by his Ministry to adapt the relevant public policies. The guest speaker was Stefanos Manos, former Minister of Public Works. He made a review of the environmental policies in Greece in the last 30 years.

The general topic of the conference was climate change and the Mediterranean city: threats, relative costs, but also benefits for the business and the economy. The role of the administration and territorial authorities for the necessary adaptation of management and urban governance was also discussed. This conference

addressed the following issues:

- urban development, transport, real estate market;
- buildings and climate change;
- management of natural resources in cities following climate change;
- information and communication technologies in cities;
- job creation and development in conditions of changing climate;
- development of cities in low-carbon economy;
- investment in sustainable infrastructure;
- promotion of waste-to-energy projects in the city;
- new forms of governance for a Mediterranean city with reduced emissions of CO₂: creation of conditions for collective international action;
- sustainable development and Mediterranean cities: relations, interactions, contradictions.

Coordination of social security systems in Europe

Free movement of people as a fundamental principle

Since the signing of the Treaty of Rome in 1957, the free movement of people has been one of the founding principles of the European Union together with the free movement of capital, goods and services. However, the effectiveness of these freedoms is often called into question for economic, social and political reasons. Moreover, the discrepancies between national laws may hinder the free movement of individuals, namely when it comes to their social security rights. Therefore, the European Union has dedicated specific legislation to the coordination of social security systems in order to promote the free movement of citizens. Relevant provisions are laid down in the fifth chapter on social protection of the European Code of Social Law, and in particular, Regulation No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community. Regulation No 574/72 of 21 March 1972 lays down the procedures for the implementation of Regulation 1408/71. These provisions guarantee equality of treatment and social security services to all nationals of a member state, regardless of the place of their employment or residence.

What principle is the coordination of the systems based on ?

The coordination of social security systems is founded on four principles, essential for the effectiveness of the free movement of people, and in respect of the subsidiarity principle. As laid down in Article 5 of the EC Treaty, it concerns the shared competences between the

These texts guarantee equal treatment and social security services to all nationals of a member state, regardless of the place of their employment or residence.

Communities and the member states. The latter retain the responsibility for the organisation of their social security system, the award of benefits (eligibility conditions), and their amount, unless the action is more efficient at Community level. Thus, the following principles are affirmed: equal treatment -- each resident on the territory of a member state is guaranteed rights and obligations identical or similar to those of nationals (principle linked to the assimilation of facts); retention of acquired rights (export of benefits) in order to avoid loss of rights due to change of residence; the principle of single applicable legislation, so that the worker may not be subject to several legislations and, finally, retention of rights in process of being acquired (aggregation or pro rata calculations of rights).

However, the assertion of those principles is not sufficient to guarantee access to social security benefits in all cases. Community rules, seen as complicated and incomprehensible for non-experts, and even for law experts, are

subject of interpretation by the judges in the Court of Justice of the European Communities (CJEC), who clarify the rules for application of the provisions, very often after prolonged casuistries.

Is the civil servant considered a worker as any other ?

Community rules refer to employed or self-employed workers without providing a legal definition of the terms. In fact, it is the affiliation to an obligatory or facultative insurance scheme which determines granting benefits ensuing from European regulatory arrangements. Thus, each person insured against one or several risks set out in the regulation is concerned, and, a priori, so are all civil servants subject to special social security schemes. However, originally, Article 4, paragraph 4 of Regulation 1408/71 totally excludes from its scope of material application "the special social security schemes for civil servants and persons treated as such". This exception was considered logical due to the exclusion of the employment in public administration from the free movement of workers, as laid down in Article 39, paragraph 4 of the Treaty of Amsterdam. This justification was eliminated by the CJEC in the Vougioukas case of November 22, 1995. The decision brought forward the need to legislate in the domain of the coordination of special schemes for civil servants. Thus, Regulation 1408/71 was extended by Regulation 1608/98 of 29 June 1998. However, even if this Regulation represents progress for civil servants, the headway is still limited due to the numerous derogations therein, especially in the field of calculations of the right to pension. In fact, the national discrepancies in terms of organisation,

financing and method of calculation, do not allow the transfer of rights from one country to another for this category of workers. Only amendment to national legislation would enable the mobility of civil servants without losing their right to pension.

A new provision to reinforce coordination

Regulation 1408/71 has been amended twenty-two times since 1971 to take into account the developments in national legislation and integrate CJEC case law. Meanwhile, the Council discussed the issue in 1992 and 1998 and the European Commission issued a communication in 1997. Afterwards, in 2001 the Employment and Social Policy Council proposed 12 parameters to modernise Regulation 1408/71. This led to the adoption of the

The new document reaffirms and reinforces the principles of coordination, as well as the cooperation between administrations, while reducing formalities.

Regulation 883/2004 by the European Parliament and the European Council on 29 April 2004. The new document reaffirms and reinforces the principles of coordination, as well as the cooperation between administrations, while

reducing formalities. The scope of personal and material application was also extended. It clarifies the legislation applicable to civil servants covered by the Regulation. Following the adoption of the text, these employees are subject to the legislation of the country, whose administration employs them, contrary to the workers from the private sector, who are subject to *lex loci laboris*, i.e. the law of the country in which the insured exercise their professional activity. The new Regulation results from an in-depth study of the different “chapters”, a term used to designate the different social security risks, by the successive European Presidencies since 1999. The final version of the text is planned for 2009, ahead of the unanimous adoption by the 27 member states.

Christine LEAL
Expert in EU and international social protection /
CSED representative
<http://www.cse-d.eu>

INTERVIEW

How is civil servants' pension coordinated ?

The Community rules laid down in Regulation 1408/71 are applicable to general pension schemes of employed and self-employed workers. According to them, each of the systems, to which the person concerned is subject, should make a double calculation – on the one hand the national pension, determined under the regulation of that system, and only for the periods covered by the national system, and on the other hand, the pro rata pension. To determine the latter, the theoretical pension is calculated in the first place, under its own legislation, but on the basis of all completed periods under the different systems to which the person concerned has been subject in the EU. Afterwards, the pro rata pension is calculated. The pro rata calculations are subtracted from the theoretical pension only for the periods completed under the above-mentioned scheme. Then, the higher of the two pensions, the national

and the pro rata, is attributed to the person concerned.

Under the special schemes of employed or self-employed workers, a condition for pension allocation is the completion of periods in an occupational subject to the special scheme or in a specific activity. They are subject to the same rules of coordinated liquidation, however, the aggregation of the periods is limited to the periods completed in another member state under a corresponding scheme, or, in the absence thereof, in the same occupation or activity. In compensation, if a certain right to pension cannot be exercised under a special scheme due to this limited aggregation, the periods completed under this scheme are taken into account for the calculation of pension under a general scheme.

As for the special schemes for civil ser-

vants, they define a condition for pension allocation periods completed under this special scheme. They are also subject to the same compensation, but in fact are exempt from any aggregation of periods completed in another member state, as the regulation limits it to the periods that its own regulation allows it to recognize.

Regulation 883/2004 does not eliminate this derogation. It would, however, have been suitable, in order to improve the rights of the persons concerned, while retaining the specificities of these schemes, to submit them to rules applicable to special schemes for employed and self-employed workers mentioned above.

Jean-Claude FILLON (*)
Deputy head of department, Ministries
in charge of health, solidarity and public
accounts – Social Security Directorate

Public management: Sustained performance

Hélène PAULIAT

Professor in Public Law, University of Limoges, Dean of the Faculty of Law and Economics of Limoges, member of the University Institute of France

Why is an article on public management necessary for the first issue of a European magazine? The topic is hot and many organisations have dedicated studies to the various forms of public management – local public management, new public management, innovation and public management... However, little research has been dedicated to public management as a whole, both in terms of various sectors and domains, and of European states which implement it. Therefore, it seemed interesting to intersect two parameters – on the one hand, the diversity of practices in member states, and on the other hand, the fields in which development of public management seems most significant – state reform and modernisation of administration, public management, public officers' training, career path and remuneration of civil servants. The reader will be sensitive to the constant reference to the quest for performance, although there are a number of non-measurable issues which cannot be evaluated in terms of performance. All the more, in the domain of the civil service or the public service, and of the administration in general, performance is not a legal category¹,

even if it is set to become a standard².

State reform and the modernisation of administration are always topical issues. France proves this, as the country launched a general review of its public policies after dealing with the state reform, the modernisation of administrative institutions and the

Performance is not a legal category, even if it is set to become a standard.

shake-up of structures. But the European vision of the authors writing on that topic puts the emphasis on other specificities: the concepts of reform and

modernisation lead to reconsideration of the missions of the state, and, as a result, to those of territorial authorities, which sometimes have particularly extended prerogatives. A fundamental issue seems to be crystallizing beyond this first approach: reforms, notwithstanding in which state they take place, are prompted by the imperative of performance, rather than by an aspiration for rationalisation and coherence. This imperative has its sources, naturally, in budgetary constraints, but not only – in fact, an increasingly common idea is that the constraints of public law are incompatible with the efficiency and performance of administrations³. The consequence is logical: only private law can lead to the modernisation, renewal and good performance of the state and the administration; only private law, as it favours the use of contracts, can allow the flexible management of the officials of the administration⁴. Thus, reforms are based on that tenet,... whose limits the states are now exploring. The question is then: is performance made possible by borrowings from private law, or by spreading management techniques from the private sector, compatible with the necessary impartiality and neutra-

1- V. J. Caillousse, « Le droit administratif contre la performance publique? », AJDA, 1999, p. 195.

2- According to the expression of Jacques Chevallier, summary report of the conference "Performance and administrative law", Tours, 29-30 January 2009, to be published.

3- See above-mentioned conference; see also G. Clamour, *Intérêt général et concurrence. Essai sur la pérennité du droit public en économie de marché*, Dalloz, Nouvelle bibliothèque des thèses, vol. 51, 2006. Jean-Louis Autin, in the preface to the thesis, starts by asking: "Does public law still have its place in an economic regime dominated by market laws and the requirements of the competition?"

4- This is what the World Bank report *Doing Business* seemed to affirm, as according to the publication, the common law business regulations lead to much better performance than continental law.

lity expected from every administration, and in general, from every public service? The answers are mixed, as this development calls into question one of the pillars of the civil service system – professionalism. It is also taken into account that the fundamental rights of the officials are not necessarily perfectly protected (including the equal treatment or the equal pay for the same work). As a result, there is a lack of coherence and homogeneity in the treatment of the personnel.

Public management places an emphasis also on performance-oriented human resource management. Besides, it is significant that the term management, borrowed from the world of business, therefore from the private sector, has managed to establish itself in administration, deserting from the private, but retaining its “public” specificity. European countries are increasingly putting in place evaluation mechanisms, evoking sometimes the major principles drawn from professional qualifications⁵. The most commonly used mechanisms consist in maintaining a system of recruitment competitions for civil servants, while progressively dividing them by professions and fields; and in introducing different recruitment systems for different posts. The requirements for mobility within the European Union force member states to look at the practices of their neighbours. However, officials and civil servants were only rarely granted opportunities to discuss the reforms and the fundamental developments that would affect them, as if human resource management was seen as a secondary mission... Still, one issue is under discussion throughout Europe: should we grant a special status to managerial staff close to the political dimension or on the borderline

Public management puts an emphasis also on performance-oriented human resource management.

between administration and politics? To what degree is the administration politicised? The question is subdivided: on the one hand, there is the minister's cabinet and the status of the people who work there, sometimes referred to as “temporary staff” (Spain), recruited according to criteria as loyalty and political confidence; others highlight the absence of clear distinction between senior civil servants and personnel linked to politics (Belgium). On the other hand, there is the question of training of senior civil servants and personnel recruited for a minister's cabinet. Certain techniques were put in place, taking into account the existence of a time-limited mandate and an evaluation allowing to measure the results achieved by officials, and thus, to develop their responsibility. Training itself is in the centre of discussions in member states, either because there is no homogenous culture of senior civil service (Belgium), or because the training of the administrative elite is still in its beginnings and has to be promoted, especially for the young, who should bring forward fresh ideas (Romania). The different contributions highlight the outrageous lack of coherence between different systems, due to the

lack of common vision. The search for performance, therefore, cannot replace a strategic political vision.

This lack of strategic vision is equally remarkable in the field of public officers' training. Performance requires evaluation: in fact, performance is always linked to objectives, indicators, methods to verify that results are in line with stated objectives. More precisely, training should be based on various elements. If public officers are not in a position to attain the objectives assigned to them either unilaterally, or in a contract, the employer should be able to offer them, or to impose on them, training aimed at rectifying the shortcomings. In a more positive case, the administration should be able to offer training to officials changing positions to enable them to properly perform their assignments. Nevertheless, in many states the training offered is completely irrelevant to professional imperatives. Sometimes training is determined even before the identification of needs. Therefore, the desire to introduce a performance-based remuneration system without preliminary reflection on vocational training seems totally unrealistic. The emphasis should be put on evaluation, however not in theory, but with real meetings with the official aimed at identifying their shortcomings. The major flaw of training policies is to conceive training as an obligation, in the best case, or as an individual right, in the worst case. Training should be discussed only within the culture of administration; if performance is the target, training should be linked to the service and to the official, and should be based on a clear analysis of needs.

5- V. M. Beauvallet, *Les stratégies absurdes, Comment faire pire en croyant faire mieux*, Seuil, 2009 : “the managers adherent to evaluation techniques tend to seize the most delicate objects and the most qualitative dimensions of human activity. It was even proposed recently the efficiency of ministers to be checked by those tools. In the most difficult cases, it is not rare that the indicator, which should reduce complexity, blurs even more the notions it should clarify” (p. 120).

The career path renewal is also -- at least seemingly -- founded on the search for performance. It is important to say that most provisions in Europe treat the career path issue separately from training. An explanation proposed by one of the authors is that the focus placed on career path and the requirements for mobility are only a means to bring the law applicable to public officers closer to the law applicable to workers from the private sector. And French provisions on secondment for example, or on the bill on career path, call for an increasingly intensive exchange between the public and the private sectors, as each of them should, in theory, benefit from the experience of the other. The proposal seems all the more relevant for countries like Bulgaria, where the mobility system is based on European requirements; and Community institutions have always expressed their preference for a civil service which facilitates the free movement of public officers in Europe. The direction of the developments leads to the conclusion that again the leading motive for modernisation was the search for performance. Mobility would be one of the criteria for promotion or pay rise. Such an approach could not be regarded as isolated; it should be linked to training and evaluation to take into account the career prospects possibly desired by the official.

The reader would not be surprised that performance is also in the centre of remuneration issues for officials from the administration. The salary is determined in a different way, according to the system adopted by the state or the local authority. In France it is laid down and defined by law, but in Italy it has been determined in collective agreements since the major reforms of the 1990s; Germany has a mixed system. The issue is to bring closer the public

The parallel, or the connection, with the private sector can also give rise to healthy competition, in which the administration has real advantages.

and private sectors, with performance as an objective. Merit-based remuneration was put in place, with more or less well defined criteria, but with sometimes adverse effect. If productivity is an indicator for remuneration setting, it is necessary to provide particularly rigorous evaluation, which is often not the case. Moreover, if the variable part of the remuneration, i.e. the one related to an efficiency bonus, was discussed within a local collective agreement, most probably it would be used to offset inflation and the non-revaluation of certain salaries. Thus, the mechanisms put in place turned out to be disappointing, as the working methods did not develop in the same time. Besides, measuring performance is a sensitive issue, and often indicators are not relevant. It is inevitable to bind the results of these indicators and the evaluation of the quality of public services provided by officials⁶, with the satisfaction of users depending on their demands. Performance is often conceived as individual and not collective, which is the result of distorted transposition of private sector principles. The administration seems compelled to launch new reforms, if at all it is through reforms that a civil service culture will be developed. For example, the reforms in Italy

propose economic sanctions in case an official is constantly on a sick leave... we can imagine the transposition of such a measure in France. Apart from remuneration setting, we should look at remuneration functions as well: certainly it is closely related to law, even to statute today in France, but it also constitutes an inevitable means in the hands of local authorities and regions to attract young people. Thus, decentralised structures have little room for manoeuvre. However, it is important not to forget this positive aspect: the parallel, or the connection, with the private sector can also give rise to healthy competition, in which the administration has real advantages. Local autho-

The new public management methods were resolutely founded on the willingness to bring closer the public and private sectors.

rities need useful managerial resources, as they might be led to recruit contract agents, to whom they would be free to pay a lot more than to civil servants performing similar but less targeted tasks.

Public management is integrated, and the European panorama and the various topics addressed in this article create the impression that each aspect is treated separately from the others. Thus, the question raised by S. Guerard and A. Scaillerez makes sense: "is it possible to reform the administration by

6- L. Cluzel, *Le service public et l'exigence de qualité*, Dalloz, Nouvelle bibliothèque des thèses, 2006, vol. 52.

7- « La GRH est-elle au service d'une gestion publique plus performante ? », in Où en est la gestion locale, Annuaire 2008 des collectivités locales, CNRS, 2008, p. 27.

reforming exclusively its tools, even its functioning, without reforming beforehand its organisation, missions, and hence even its culture?"⁷ The diversity of professions offered by the administration should logically lead to enhancing the variety of career paths, relying on adapted training, and to adjusting remuneration, eventually taking into account the efforts made by the official, including in terms of mobility. But the new public management methods were resolutely founded on the willingness to bring closer the public and private sectors, in the name of performance and rationalisation, and control of costs; this presentation has thus eliminated the positive dimension of bringing them closer, which would lead to a possible improvement of the two systems. Nevertheless, even if the administration is gripped by the idea of performance, it is not yet impregnated by it, as the political will is absent. Reforms are implemented throughout Europe, but the spread of good practices, which is the only way to achieve coherence of the whole system, still lacks.

The well-performing public management presupposes, in the first place,

Public management presupposes, in the first place, a political initiative and a well-defined strategy.

a political initiative and a well-defined strategy. Indicators should be used as tools, rather than an end in their own right. Therefore, the missions and objectives of the administration and the public service should be defined in partnership with officials, but undoubtedly also with users. Results should be obtained in accordance with these objectives, identified in cooperation with officials. The latter are evaluated to determine to what extent they are able to perform the defined assignments and the assigned objectives. It is at this stage that their need of training can be identified, because it is true that recruitment through competition does not provide preparation for fulfilling sub-

sequent duties. The profile of the official will allow to propose them a career path in the short or mid term, according to the possibilities offered, and in line with their training needs, and, above all, with their desires and career prospects. Depending on the way the official is implementing the assignments and attaining objectives after the training, remuneration may take into account performance and the quality of provided services. The system appears to be simple; but nevertheless it seems that performance has blurred the necessary understanding of the administration. In order that public management is efficient, adapted management⁸ is needed, which is not always available in Europe.

8- M. Beauvallet : « Les instruments de pilotage ne remplacent jamais le pilote », op. cit., p. 146.

Key points:

- The public administration reform should be comprehensive: organisation, mission, culture, functioning and tools.
- To put in place the logic of performance, a strong political will and the broadest possible involvement of officials are needed. Performance should not be motivated only by economic constraints, it should be linked to real management.
- Training is a necessity, which should be deliberated upon within the service, both at individual and collective level.
- The search for performance as a means to determine remuneration is present everywhere in Europe, but does not provide the necessary satisfaction, as adjusted and reliable indicators are not available.

Public management in Europe

State reform and modernisation of administration



“The first structural reform”

Vasco Nascimento COSTA
Deputy director of Caixa Geral de Depósitos,
Member of the legal commission of the European Association of Public Sector Pension Institutions

The subject of structural reforms, particularly in the public administration, is on the agenda almost everywhere in Europe.

The motives behind these reforms vary a lot in different countries, often depending on historical specificities: process of gaining independence; change of political system or model of administrative organisation; concerns over public administration modernisation or simply the need to cut back on public spending; the rethinking of the functions of the state, regions or provinces and local communities as imposed by the structural reform, or just improvement of the existing system.

It is virtually impossible to treat in a uniform way such a complex reality. Universal solutions to difficult issues raised by public administration modernisation will not emerge: in fact, they do not seem to exist. It is much more preferable to highlight certain aspects essential to all the reforms of state public administration, on the basis of the Portuguese experience, considering the organic architecture of the state, the model of human resource management and the social protection system.

Organic architecture of the state

The transformation of society generates new demands to public authorities, to which they have to respond at the expense of others, more traditional, that have lost some of their importance.

Therefore, there should be guarantees that the structure of state services is flexible enough to continuously adapt to the cur-

rent situation, within the rationalisation of structures, removal of doubling services, redefinition of functions and responsibilities, and use of economies of scale.

Only an adequate organic design would allow to strictly define the number of necessary civil servants. Without it, the growth of the public administration can go out of control. Therefore, Portugal introduced in 2005 the rule of two departures for one person recruited.

Model of human resource management

The idea that human resource is the main resource of public administration is relatively trite. An efficient public administration depends on its human resources that have to be:

- Sufficient: Two issues are important – recruitment and mobility. Recruitment should be flexible, competitive and rapid, but without calling into question the guarantees for impartial selection. Mobility should allow the transfer of civil servants between services, so that the rigidity of the system does not make the recruitment of new workers easier than the reassignment of available personnel (which has led to growth in the number of staff, observed in several countries).
- Qualified: The question of the qualification of workers is raised during the recruitment process and throughout the career path. Minimum qualifications should be required from candidates in the recruitment process, and the importance of

vocational training should be highlighted throughout the career. Civil servants should be able to update their knowledge and use new IT tools to meet future requirements of citizens.

- Motivated: likewise, at the moment of recruitment the professional status of civil servants should be attractive and prestigious enough to appeal to the best. Throughout the career, performance management and evaluation systems (based on achieving objectives and aimed at favouring initiative and merit, instead of automatic promotion and length of service) are crucial for maintaining high levels of motivation.

Social protection system

In several countries, including Portugal, officials from the public administration historically have been subject to special regimes for appointment, career development and social protection, whose rules are more favourable than the general regime applied to employees of the private sector.

However, in recent years state employees have been brought closer to workers from the private sector, due to equality concerns, and, above all, financial constraints (the budgetary balance of social protection systems is a permanent and common issue).

The importance of this sector (protection against social risks: illness, unemployment, disability, old age), its impact on public accounts and the motivation of human resources justify a separate treatment in this article.



Spanish civil service and the new personnel statute

José RUANO

Professor in Administration Studies, Complutense University of Madrid

The Spanish constitution, in force since 1978, delegates to the law the definition of the civil servants statute and the regulation of “the access to civil service in accordance with the principles of merit and capacity, the particular conditions under which civil servants can exercise their union rights, the incompatibilities system and the guarantees of impartiality in the exercise of their duties”. However, despite this constitutional provision, the law regulating the basic statute of the public employee was not promulgated until April 2008.

In the last 30 years a lot of changes have occurred in the Spanish civil service. In the first place, the important process of territorial decentralisation made the autonomous communities the main source of administrative employment, with more than half of the public officers. The immediate consequence was that the civil service regime in Spain continued to apply only to the state administration. In return, each level of administration, and even each administration, formulated their own personnel policy, bringing forward their particular interests, without paying too much attention to cohesion and cooperation mechanisms that are in place in any common system of civil service. On the other hand, the importance of the principle of organisational autonomy in the field of personnel has multiplied the various forms of management implemented by each administration in services provision. This favoured the heterogeneity of public employment

regimes, with the clearest expression being the spread of special regimes, justified from a functional point of view (health, education, research, armed forces, justice), and namely the division of public employment into civil servants and contract agents. In fact, a significant percentage of public employees are hired in accordance with labour law. This phenomenon of “privatisation” of public employment finds a more virulent expression in local authorities (including regions) and in some sectors employing a large share of female personnel (health and education, in particular), where the share of contract agents can reach 30%.

The importance of the principle of organisational autonomy in the field of personnel has multiplied the various forms of management implemented by each administration in services provision.

As a matter of fact, this phenomenon is not typical only of the Spanish

administration, given that different legal regimes co-exist in the rest of the European administrations with a variable intensity, where this legislative diversity finds expression in the willingness to avoid the rigidity of an administrative law incompatible with the requirements for flexible and efficient human resource management, chiefly in the field of access to public employment, professional career, mobility and remuneration. However, the element that is specific for Spain, apart from the intensity of the phenomenon in certain sectors managed by local authorities, is that this so common trend affects not only officials directly involved in public services provision, but also those exercising typically administrative functions of control and regulation. Therefore, the co-existence of different legal regimes in public employment is not justified by administrative or functional reasons. In fact, there is often the case of civil servants and contract agents that perform identical tasks in the same administration, which creates problems for personnel management, as the different legal frameworks have to be taken into account when working conditions are negotiated or when the functions of civil servants are determined. Sometimes this situation leads to unequal treatment of workers performing the same functions, although collective agreements managed to gradually bring closer the working conditions of civil servants and contract agents in the same administration.

State reform and modernisation of administration



FOCUS

The dualism of Spanish civil service explains the name of the statute, which does not refer exclusively to civil servants, but to the “public employee” in general, in order to include all officials that work in the public administration services. The statute starts with a reference to all general principles applicable to all public officials and includes a list of fundamental rights of public agents. It updates the list of rights distinguishing individual and collective rights, while at the same time incorporating more up-to-date ones, linked to the objectivity and transparency of evaluation systems, respect for privacy, especially as regards moral and sexual harassment, and private life-work reconciliation. This is the first time that Spanish legislation establishes general regulation of rights and obligations of public officers, based on ethical principles and rules of conduct that constitute a code of practice which aims to be educational and to provide guidelines, indicating the limit of lawful activities.

As regards personnel classification, there are no great innovations. The four major traditional categories are distinguished: permanent officials, temporary agents, contract agents and “temporary staff”, i.e. officials appointed on the basis of political confidence. The statute modifies only the organisation of the grades of access to the civil service corps in order to adapt them to the changes launched by the reorganisation of university degrees. These grades, linked to the level of degree requested to access them, are grade A, divided into A1 and A2, grade B and grade C, divided into two sub-grades, C1 and C2. In human resources, the legal recognition of the new profile of management staff, conceived as a factor of administrative modernisation from a managerial point of view and based on the principles of “new public management”, is more significant. The link between the performance of managerial staff and criteria of

efficiency, effectiveness and the control of results in relation to the unit’s objectives is undoubtedly a first step towards the transfer of performance evaluation towards all public officials. In fact, a central element of the new regulation applies tools of regular evaluation by the introduction of factors of staff motivation and control, present in the reform policies of the most advanced European administrations.



All statutory prescriptions depend on political will and the capacity of self-organisation of local authorities.



However, it has to be noted that all statutory prescriptions depend on political will and the capacity of self-organisation of local authorities. Unlike other European statutes that establish the general traits of a common legal regime for public officers belonging to different administrations in the country, in Spain has been adopted a law drafted according to subsidiarity criteria, incapable of establishing a common civil service system, to be effective for the whole territory of Spain. On the contrary, all statutory prescriptions in the field of organisation of public employment (organisation in corps, grades, categories, ranks, etc.), staff promotion and evaluation

models, and even the differentiation between posts and functions destined for civil servants, contract agents and managerial staff, depend exclusively on the legislative body of the autonomous communities. As a result, the statute focused on a series of common and general traits, leaving considerable room for manoeuvre to local authorities.

The existence of 17 regional administrations, which in 1978 received legislative competence and autonomy, is, no doubt, a very strong point of the Spanish administrative system, but the existence of a civil service system, whose common core was reduced to just a simple expression, should not be forgotten.

But what are the underlying reasons for the loss of leadership in the state administration, caused by the approval of the statute? On the one hand, the statute grants to trade unions a central role in the field of collective agreements, in a context, where despite their weak representation, they act in a coordinated manner in the face of the multiplication of public administrations fuelled by territorial fragmentation. On the other hand, the Spanish electoral system traditionally grants to nationalist minorities the right to condition decisions of the government and the national legislative body in fields that concern them. Naturally, less central legislation means weaker state and more autonomy and self-organisation for regional governments.



Civil service establishment in Poland

Jacek CZAPUTOWICZ

Director of Poland's National School of Public Administration (KSAP), Vice-President of the Board of Governors of the European Institute of Public Administration (EIPA) of Maastricht, Vice-President of the Civil Service Council

Civil service is an important element of the socio-political changes that took place after 1989. The long tradition of civil service dates back to the rudiments of independence. The state civil service law of 17 February 1922 was the first text regulating the civil service corps. It remained effective until the end of 1974 and then was replaced by a labour code. This change weakened the position of civil servants vis-à-vis their superiors and facilitated the exercise of political pressure.

The law on state administration officials of 1982 had to promote in rank civil servants and the public administration. In practice, at the time of the People's Republic, civil servants were bound by political loyalty, which predetermined the decisions for their promotion (the nomenclature). There were no clear and coherent legal rules for recruitment, promotion, training and improvement of professional skills. The administration was characterised by formality, low effectiveness and quality of work, a disdainful attitude towards citizens and numerous cases of breach of law. Also widespread were the politicisation of the administration, corruption, lack of mobility of officials, and the fragmentation of responsibility in staff management policies (sectorisation).

Post-1989 changes

After 1989, there were two periods of civil service establishment – and we are on the threshold of a third one – separated by periods of transition. During the first phase (1989-1995) Poland, as other Central European states, focused on economic and political reforms. All political forces concentrated on the importance of strengthening the democratic state and establishment of a public sector based on professional and politically neutral civil service. At the same time, outsiders to the

partisan nomenclature, linked to Solidarity and to the opposition, joined administration. The civil service law (5 July 1996) entered in force during the first period of transition (1996-1997). It divided the positions in state administration into political, – ministers, deputy ministers, advisers, and senior officials – which changed together with the government; and politically neutral, independent of political changes. However, the procedure of nomination to the civil service corps remained inappropriate. The exams taken by people falling into one of the aforementioned categories took place just before the change of the government, and raised legitimate criticism. Only 115 officials became permanent staff members in the period October-November 1996. Afterwards, the process was suspended. After the 1997 elections, a new law was adopted at end-1998 (effective from 1 July 1999). The civil service corps is composed of officials hired under a contract of employment and permanent officials, working in the services of the government administration. The head of the civil services, appointed for five years, becomes the administration's central body, but the Prime Minister remained at the top of the hierarchy of this corps. The position of director-general was created in each administration to ensure the functioning and continuity of the work in the service, the organisation of work, the application of rules imposed by labour law, and the direct control over the units in the service.

The 1998 law marked the beginning of a period of "competitions" to fill in managerial positions. However, there were few candidates and most of the managerial posts were occupied by "acting" directors.

These competitions, meant to guarantee the professionalism of the managerial staff, have often served only to regulate the situation of already available officials rather than find the best candi-

date, although many officials were not willing to participate.

The 2006 law launched the second period of transition and created a reserve list comprising people appropriate to occupy managerial positions in the administration as permanent officials, people occupying high-ranking positions at the time the law entered into force, people who succeeded in the competition of the National School of Public Administration, and later PhD holders.

This transitional period ended when a bill on civil service reform was tabled at the Parliament. Senior positions are to be filled via internal promotions, and in certain cases, via competitions organised by certain ministries and administrations. Hopefully, competitions will become widespread.

The bill introduced again the position of Head of the Civil Service within the chancery of the Council of Ministers and not, as earlier, within a separate administration. Such a situation may raise concerns over the independence and neutrality of the head, but the close institutional link with the Prime Minister – the hierarchical superior of the civil service – should reinforce his position within the administration.

The civil service system is mixed with a predominance of the career system rules. Thus, there is a period of traineeship, stabilisation of recruitments of officials, the automatic indexation of salaries and the de facto existing link between length of service and level of remuneration. The principles ensuing from this system apply to civil servants in particular, rather than to all employees of civil service. They stem from the system of positions, the open and competitive recruitment, the priority given to skills corresponding to a certain post, and the use of competitions for high-ranking positions.

State reform and modernisation of administration



Civil service establishment in Poland

Ethical rules

The 1998 law introduced rules for civil servants' ethics. One of the essential duties of the officials is the impartial performance of their tasks. They should not champion the interest of an individual or even a group, but act in the interest of the public good and the state. Another important element is the clarity of the system of recruitment and selection, and promotion and remuneration based on objective criteria, identical for all employees and transparent to public opinion.

Introduced in 2002, the Code of Ethics of the Civil Service is a set of standards of conduct, ensuing from the values of the civil service (Article 153 of the Constitution) – professionalism, integrity, impartiality and political neutrality. The officials should act according to the law, treat all citizens in an impartial way without giving in to pressure coming from personal relations, work with integrity and professionalism. They should be loyal to their administration and their superiors, without refusing to carry out orders, except when they constitutes an offence or contravention, and should inform their superiors in case of non-compliance with the law. They cannot require or accept – directly or indirectly – any material benefit. At a later state, they cannot be hired by a businessman, in whose case they had been involved. The necessity to introduce executory measures is under consideration.

The division between politics and civil service was introduced by the law of 1996 on the organisation and operation of the Council of Ministers. Good operation requires the separation of political administration ("meant to govern") and executive administration, and to organise the cooperation between these two realms in order to accomplish the missions of the government. This law provi-

ded the legal basis for establishment of political cabinets in the administration, whose competences were determined in the rules of procedure of ministries. The political cabinet of the head of the Council of Ministers has a special role, acting as an advisory and analysis unit.

The organisation of the civil service is stipulated in the civil service law, whose objective is to guarantee a professional, upstanding, impartial and politically neutral fulfillment of state missions.

the isolation of the two realms. The detrimental experience of communism and the poor ethics of the contemporary political class only partly justify the apolitical character of Polish civil service. It has to be within the political system, to reinforce it and to make it impervious to problems. Civil servants' contacts with the political class prevent their transformation into a professional corporation, defending its privileges.

Remuneration

A transparent system, where the remuneration level depends on work quantity and quality, reinforces the sense of justice and civil service ethics. The remuneration system should bind the salary with the results from the work, which is a source of motivation and facilitates tasks. An unjust system has a disheartening effect.

Currently there is an unexplained difference between the pay levels of different services, varying from 1 to 2 for similar positions. The basis for calculation of the remuneration, or "base amount", is determined in the budget law and rises each year according to the inflation rate. This sum is increased by an "individual multiplier", to obtain the remuneration base. A special supplement and a supplement for length of service (between 5 and 20% of the base remuneration) may be added to it. These multipliers are meant to prevent an excessive decline of the real remuneration due to inflation. However, it perpetuates these gaps between different services, resulting from the historic development; makes the evaluation of work more difficult, and thus negatively affects the ethics in civil service.

The Code of Ethics of the Civil Service is a set of standards of conduct, ensuing from the values of the civil service – professionalism, integrity, impartiality and political neutrality.

Political cabinet members are recruited for the duration of the mandate of their political superior. The officials of the civil service are hired in open recruitment for an indefinite period of time.

The number of political advisers was reduced, due to economic considerations. These cabinets help structure the cooperation between the political sphere and the civil service and avoid

The decrease in unemployment over the last years led to the creation of an employee market. In 2007 the average salary of officials increased by 10.5%, as a result of the integration into the European labour market, and the 2008 budget law envisages additional 10%. This offset the pay gaps between services and led to a closer link between remuneration and professional results.

Evaluation of the Polish civil service system

In its last report on Poland's preparation for the accession to the European Union, the European Commission noted that few high-ranking officials were hired following a competition. Although the situation improved, it expressed

The European Commission expressed concerns over the politicisation of civil servants in certain sectors of administration, which hinders the creation of a fully professional civil service.

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concerns over the politicisation of civil servants in certain sectors of administration, which hinders the creation of a fully professional civil service. It observed lack of uniformity of principles and

standards for all public administrations. The civil service is divided into segments – the strategic planning process and the elaboration of a policy that varies from institutions to institution. There is no procedure for granting the official decision-making responsibility, although civil servants of middle and low levels are not eager to take on responsibilities and leave decision-making to their superiors. The law on access to public information that guarantees the access to information on the activities of the authorities, has, however, received a positive evaluation and contributes to curbing corruption.

The SIGMA report has found out that civil service has an adequate legal framework, but its implementation is too slow and is hindered by many obstacles. The main weaknesses are the lack of political guarantees for impartiality, and the inefficiency of the mechanisms for protection of the civil servants' honesty. The human resource management system in public administration is incoherent, and the report recommended the introduction of recruitment and promotion standards, a remuneration system based on clear criteria, and the creation

of a civil service register.

The requirement for free movement of employees in administration requires the amendment to the law, as planned by the reform, in order to enable the recruitment of citizens of EU member states.

Poland, a member of the European Union for more than four years, is preparing its Presidency in the second half of 2011. Its success is conditional upon the quality of the public administration, which to a large extent determines the capacity of the country's development, its position within the EU and in the world. The civil service has to face new challenges, requiring professionalism, creativity, responsibility of state civil servants, while acting in conformity with the law.

State reform and modernisation of administration



The slow adaptation of Ukrainian civil service to EU standards

Anne AZAM-PRADEILLES,
Ministry of Interior, Overseas Territories and Territorial Authorities, Secretariat General in charge of administrative cooperation
Vira T. NANIVSKA
Former head of the National Academy of Public Administration at the Presidency of Ukraine

Administrative reform and civil service in Ukraine are sensitive issues; SWOT analyses¹ show a large number of threats. We shall present the real opportunities for Ukraine. The weaknesses and threats will be named referring to international and European sources and Ukrainian civil service decision-makers.

Why should we include Ukraine in the first issue of EUROPA's magazine?

Ukraine is not a European Union (EU) member and is not even a candidate country yet. However, Ukraine is the first former USSR state to sign a Partnership and Cooperation Agreement in 1994, in force since 1998. A new strengthened agreement, under discussion since 2007, will cover a free movement agreement, as Ukraine joined the WTO in 2008. And the country is a major player in the European Neighbourhood Policy (ENP), launched in 2004 after the first big wave of EU enlargement towards the countries of the former communist bloc.

The ENP is based on enlargement justified by shared values, in particular the rule of law, good governance, respect for human rights, including minority rights, promotion of good neighbourhood relations and the principles of market economy and sustainable development. The EU-Ukraine Action Plan² of 2005 enumerates the priorities for the public administration, including those of decentralised authorities: *'further strengthening the stability and effectiveness of institutions guaranteeing democracy and the rule of law; strengthening of its administrative capacity; continuation of the administrative reform; promotion of transparency and accountability of the*

administration, in particular concerning the reform of the civil service based on European standards; accession to the Council of Europe Group of States Against Corruption (GRECO)'. Hence, these issues are more and more directly related to those of its EU neighbours. For instance, in 2006 was signed an agreement between Ukraine's Main Department of Civil Service (MDCS) and its French counterpart – the Directorate General of Administration and Civil Ser-

Its goal is to enhance the professional capacity of civil servants in the framework of analysis of policies and establishment of democratic decision-making procedures based on good European practices.

vice (DGAFP). At the end of the French Presidency of the EU in 2008, the latter invited its 27 counterparts, along with its neighbours, including Ukraine.

Some aspects of the context as regards Ukraine

On 24 August 2008, Ukraine marked the 17th anniversary of its indepen-

dence. Together with Russia, Ukraine used to be one of the most important soviet socialist republics and now is the largest country on the European continent with more than 600,000 sq. km and some 47 million inhabitants. Ukraine has a number of advantages, but at the same time it is exposed to risks and vulnerabilities. Ukrainian is the official language of the state and therefore of the civil service and is one of the landmark symbols of the Orange Revolution. However, the leaders of the Party of Regions, the 'blue' party of the former Prime Minister, are calling for the introduction of Russian as a second official language. The use of one or the other language gives a clear signal of political opinion or geographical origin, or both. The rupture between the EU proponents and Russia proponents is most obvious when it comes to issues like NATO, or, in the summer of 2008, Georgia. But there is a political gap also among the former allies of the Orange Revolution. The continuing ideological battle disturbs the state modernisation, slowing down the reforms and creating difficulties for the parliament in the adoption of key laws – including the civil service law !

The three pillars of good governance

To be efficient both for the state and for citizens, public administration depends on the three pillars of good governance: an institutional and legal framework, financial resources and above all human resources. A number of reports, strategies, action plans, concepts and policies have been drafted since end-1990s. But the most useful analyses are made by Ukrainians themselves in a pilot project, *Activity of Analysis Groups on Policies in Ukraine's Administration*, launched by the MDCS, funded under the state

1- SWOT: strengths, weaknesses, opportunities, threats.

2- See: <http://www.delukr.cec.eu.int/site/page27836.html>

3- http://www.center.gov.ua/data/upload/publication/main/en/275/Green_02_-_Secretariat_of_CabMin_E.pdf

budget and implemented by the International Centre for Policy Studies in 2005-2006, at the request of the Centre for Support of Civil Service Institutional Development (hereinafter referred to as the Centre). Its goal is to enhance the professional capacity of civil servants within the framework of analysis of policies and establishment of democratic decision-making procedures based on good European practices³.

The Green Paper of the secretariat of the Ukrainian President of 22 June 2006, Public Administration Reform in Ukraine gives a severe diagnosis: *'The major cause for the functional crisis of the executive power is the profound gap between the non-reformed machinery of government and a new really functioning democratic political system, a product of free elections, free political competition and free mass media. The vertical administrative machinery of government, which has not been reformed since soviet times, despite the incessant changes of staff and structure, cannot simply operate efficiently in the conditions of freedom and open competition between the groups of legitimate interest. [...] Governmental bodies, procedures, professional attitude and competence of civil servants do not correspond to the needs of the day.'*⁴

The acting civil service law dates back to 1993⁵. In 2004, the President's decree on the adaptation of civil service to European Union standards⁶ launched efforts for its update. However, on 19 September 2008, the Parliament rejected a bill and a new bill was drafted at end-2008. The MDCS was set up in 1999⁷ as a central administration for development and implementation of policy concerning administration and civil service.

Governmental bodies, procedures, professional attitude and competence of civil servants do not correspond to the needs of the day.

A cabinet minister coordinates its functions. The MDCS has 8 departments, with 120 civil servants and representations in each of the 27 districts. It provided assistance to the Center, set up in 2003 and renamed in 2008 as the Centre for Adaptation of the Civil Service to the Standards of the European Union⁸. The Parliament votes the national budget, while the policy of remuneration of civil servants is defined by the legislation and orders of the Cabinet of Ministers⁹. Negotiations are not held with trade unions or civil servants themselves. A disproportionate amount of pay is discretionary, based on a complicated system of bonuses. Transparency International says that Ukraine is to a large extent affected by corruption.

In 2007, civil service amounted to some 277,000 employees, including the officials of the Ministry of Defence, Ministry of Interior and the Security Service (11,284) as well as decentralised local administrations (around 99,000).

Three-fourths of civil servants are rather young, as 72% are under 45 and barely 1% are over 60. 75% are women, but few of them reach high-ranking positions, with 10% (top-level) and 24% (deputy-level). The turnover is quite high – 46.4%, for a number of reasons: working conditions, weakness in the recruitment and promotion procedures, lack of HR strategic planning and career planning and prospects. The reference document on characteristic types of professional qualification of state civil servants' positions remains rather theoretical and rigid.

An OECD evaluation in 2006 and 2007 concerning the European Principles for Public Administration, released in SIGMA N°27, did not praise much Ukraine. The bill lays down the following principles: rule of law, political neutrality, professionalism, ethical conduct, loyalty, responsibility, objectivity, transparency, stability and equal access to civil service. The Human Resource Management Strategic Framework puts forward several targets to support these principles. In February 2008, the MDCS obtained the status of an observer at the OECD Public Governance Committee and the Centre started cooperation with the NATO Liaison Office in Ukraine. In April 2008, a new bill on the code of ethics for persons authorised to perform state functions was tabled at the parliament. However, despite its progress, it is difficult to draw conclusions as regards the reform of the administration and civil service in Ukraine: the political situation remains unstable and the bill has not been adopted yet... and once passed, it has to be applied !

4- <http://www.center.gov.ua/en/253.htm> Traduction française à partir de l'anglaise publiée sur le site du Centre.

5- 16.12.1993: Ukrainian Civil Service Act (Ukraine's Supreme Council Decision #3724 16 Dec 1993), (amend. in 1995; 1996, 1999 and 2001).

6- 05.03.2004 # 278

7- President Decree on Statute of the Main Department of Civil Service 02.10.1999 # 1272

8- Cabinet of Ministers Decree on the Centre for Support of Institutional Development of Civil Service 04.06.2008 # 528 et <http://www.center.gov.ua/en/>

9- Cabinet of Ministers Regulation No 268 9 March 2006.

Public management in Europe

Public management



The future high-ranking public administration in Romania: young professionals in focus

Marius PROFIROIU

Professor at the Bucharest Academy of Economic Studies, vice president of EUROPA Association, former State Secretary of Public Administration Reform

Preface:

The public administration reform depends on the quality of procedures, structures and capacity of human resources to achieve required goals. The agenda of the reform has provoked criticism particularly when it comes to human resources, as the improvement of knowledge and professional competence requires substantial long-term training and funds.

The qualification and competence of public officers in Romania have not reached an optimum level yet. It takes time and significant funds for the administration to reach the level of quality demonstrated in most EU countries.

Development:

The institutional and legislative development has improved thanks to the advice and support of the European Commission and the assistance of numerous member states (France, the UK, Italy, Germany...) as shown in the analysis of the Romanian public administration reform in the context of European integration¹.

The development of civil service takes into account other European countries' various approaches to staff recruitment, training and management. It builds upon the experience gained and lessons learned through the Young Professionals Scheme (YPS).

The YPS is a European project (PHARE) focusing on training and designed to attract some of the thousands of moti-

vated young university graduates and young public officers.

It targets to enhance the management support in the improvement of the procedures and implementation of public policies. This involves the introduction of new career specialisations in which the training of administrators serves equally the civil service sector as well as the private sector. The YPS selects potential candidates, trains them, evaluates them and assists them in finding a position in civil service and in their rapid development there. The training covers a two-year period in several prestigious universities and colleges of the member states (France, the UK, Germany, Spain, Italy, the Netherlands); they include also traineeships at various ministries and territorial authorities in Romania as well as in the said member states.

The YPS's work was justified by the short deadlines given to Romania to join the EU (the pre-accession period). The concerns did not focus on reforms – that Romania was supposed to put in place – but on the speed required for these measures. This is not development, but radical shake-up.

Three Romanian institutions – the National Agency of Civil Servants (NACS), National Institute of Public Administration (INA) and the Central Unit for Public Administration Reform (CUPAR) – joined forces in this project.

From 2003 to 2007, over 1,600 candidates applied and over 300 people completed successfully the programme; the

budget stood at about EUR 7 million.

While 80% of the graduates started their career in the central administrations, some have already reached senior positions (in customs, justice, INA...) – 10% chose to go to the private sector (and paid for their training), the rest work for local administrations.

Conclusion:

Aujourd'hui le futur de ce programme peut Nowadays we can sum up the prospects for the programme as follows:

- Introduction of a fast-track scheme to encourage the entry of new-comers in the top management of administration;
- Selection enabling to pick candidates of diverse background. This ensures a wide variety of qualifications, experience and aptitude;
- Remuneration and benefits taking into account this diversity, encouraging staff mobility between different sectors of the government and the economy.

The implementation of the ongoing YPS programme has to continue to achieve the goal of training the future generations of senior civil servants in Romania. The whole process of selection, training, subsequent re-evaluation has to take place in a professional way and an official mechanism, such as a commission, ensures candidates' confidence in the system

1- M. Profiroiu, T. Andrei, D. Dinca, Réforme de l'administration Publique dans le contexte de l'intégration européenne, PAIS III, Institut Européen de Roumanie, 2006.

FOCUS



Public management makes foray in politics and administration

José RUANO

Professor in Administration Studies, Complutense University of Madrid

The idea of a public manager implies necessarily a reference to the area of convergence of politics and administration, that is 'interface positions' (Ziller), which are in the borderline of government and administration. The problem lies in the division between political positions and management positions, as it is difficult to make the difference between the competence of an individual administrative unit and political structures and the support of the elected officials. The traditional Spanish system was characterised by the rejection of professionalisation of the public manager and the distorted concept of selecting 'temporary' staff, that is party associates who have gained personal or political confidence. This option – quite far from the criteria based on merit and capacity – faithfully represents the application of a spoil system of a closed circle (Quermonne). It is characterised by the lack of relation between the occupation of the position and performance or performance evaluation.

In the face of this outdated bureaucratic tradition, the statute of Spanish staff of 2008 sets up a new professional group inserted between political management and senior civil service in the vague area where politics and administration meet. Unlike the legislation in other European countries, which specifically regulates this professional group (*dirigenza* in Italy, and *senior civil service* in the UK), until recently Spain did not have a proper regime for the group of senior civil servants in the public sector, hired

(in general among civil servants) for exclusively political or personal reasons. Now the statute does not rule out confidence criteria, but it tries to combine them with the prerequisites of capacity and merit, while regulating the performance evaluation.

The attempt to professionalise the senior levels of administration is in line with the fruitless attempts at differentiation of politics and administration, reaching the transformation of executive officials into managers employed by the political management under the delayed effect of the latest waves of the 'new public management'. In fact, this distinction echoes the responsibility of elected officials in their public decisions by virtue of citizens' vote. The delimitation of political decision and implementation can serve as a screen impeding the accountability of elected officials, which is among the reasons for loss of legitimacy of western democracies, and moreover if we say that the statute does not oblige elected officials to give up selection of managers within the limits of qualification criteria.

In 1984, the Spanish civil service system opted for a clear-cut separation of the public sector and the private sector, referring to the incompatibility of public and private positions. Hardly any regulation exists today to create an obstacle to the movement between different areas: from administration to private businesses through the overstuffed workforce; and vice-versa the integration of private sector managers

is possible as long as they are selected on the basis of 'professional qualification and experience criteria'. The procedures stick to the model applied in big Spanish cities since 2003, where the definition of excellence criteria is not followed by objective verification measures.

In spite of the declared ambition to set up a homogenous group of managers, the regulation on management positions shows a new duality between staff members and others. The former could hold all senior positions, whereas the latter could occupy only positions which do not involve 'the exercise of public power or the safeguard of the general interests of the state and public administrations'. This might create management problems for this type of staff.

On the other hand, the fragmentation of the Spanish administration makes it difficult to get a clear idea of the real politicisation in administration. It depends on the legislative developments in autonomous communities, which will give room for manoeuvre of the political authorities in every case in the process of election of managerial staff and will condition the future battle between the senior civil service and the political class for the distribution of the new professionalised positions.

Public management



Management of public officers' training

Gennaro TERRACCIANO

Professor in Administrative Law, Second University of Naples

The improvement of services provided by public administration and the attempt to cut the red tape require regulatory, organizational and procedural simplification, but also call for motivation of employees, allocation of enough resources and responsibilities to managers in the pursuit of predetermined objectives, establishment and development of professionalism adapted to the administration, fewer cases of use of external consultants. In one word: administration of human resources.

Staff management in Italy's public sector does not represent a strategic activity, but only a secondary service, required for control-related formalities. It is not based on service, but on the presence of the employee in view of the application of contractual formalities; the primary one being salary payment.

It is reduced to simple staffing, which rarely includes a plan for a real assessment of services or human resources promotion and development. Serious and sustainable policies are not available for the purpose to establish management or training models for the purpose of professionalism. Furthermore, numerous technological reforms and innovations introduced in public administration have been negatively affected by the lack of professionalism within the said administration; the staff has not given support or sped up reforms, but paradoxically it has been subject to them.

On the contrary, we can say that the staff was not in a position to be able to take an active part, and further-

more it did not do so, in the process of public administration change. The latter started in 1990s, due to the lack of resources and organisational capacity, in the absence of training and qualification.

Although civil service ministers have tried to raise the awareness of governments as to the necessity of enhanced investment in the improvement of qualification and mostly the training of new classes of managers and civil servants in the backdrop of the new needs of current administration, Italy is notorious for the fact that its spending on public staff training is well below the average in Europe and there is little room for comparison with the situation in France.



In Italy, spending on public staff training is well below the average in Europe and there is little room for comparison with the situation in France.



In fact, apart from certain stable and appropriate financial resources, continuing education, previously not accessible to managerial officials, would require annual (and multi-annual) planning, detailed information on training courses, on the basis of defined models and predetermined and measurable objectives in quantitative and qualitative terms. Either during training, or in subsequent work, this is aimed at least at obtaining considerable data on the improvement of services following training courses.

Despite the availability of standards which have such goals in theory, the Italian authorities – at central as well as regional level – have not achieved progress as far as courses programming and planning is concerned. The flagrant absence of elements of quantification of really necessary resources in the annual financial plans had a negative effect.

Another important factor is the availability of numerous and heterogeneous – both public and private – service providers on the training market.

Certainly, training services belong to the free market, where public tender rules establish conditions for the provision of the best product in combination of economic conditions.

However, traditionally and not only in Italy, the training of civil servants and public managers is assigned to universities and administration schools. The latter – too numerous as they are – represent a possible response to the needs of administrations for develop-

ment of training plans and guarantee of the specificity of highly specialised courses which cannot be offered by the market, because of the specificity of the demand, the required experience, the continuity of demand, confidentiality of techniques used by the administration in the performance of its tasks. Take for example control activities and in general investigation of the fiscal or social plan, or simply the familiarity with public law required by the discipline of regulation (for instance, this is the case with the competition for management positions).

The current state of affairs is rather worrying as the only imperative element is the lawmaker's willingness to change the fragmented system of public administration schools. Moreover, it has to do it in a situation where it is incapable of imposing a project calling for the establishment of a single school, strong and capable of making the best of insufficient resources available for training.

Nevertheless, there are some reference models in Europe. If one seeks inspiration from French ENA, one sees how university training systems and those offered to lower-rank officials could be integrated and could converge at the same school. The concentration of resources finally makes the system efficient, despite the risk of establishing an abnormal centre of power.

There is no optimum solution valid for all countries, but certainly for the current Italian system, which complains about the lack of awareness of universities as regards the training of managers and public officials (but still they are themselves a supplementary resource of the market) and about public administration schools in a profound crisis and in search of their new identity, the risk (or the opportunity) of turning to the private market turns into a necessity. But, in this case, who controls the quality of training projects, their correct implementation, the relevance of costs, the subsequent profit? In these moments of transformation, is the state

authorised to assign such an important service to the private market alone? Is it possible for public administration schools to keep their already deteriorating role of pure allocation and initial training of managing officials with the management of 'competition courses' and similar training programmes obligatory for the career?

Managers and civil servants in public administration finally resort to self-training through independent options as far as the update, training and specialisation are concerned without homogeneous development and sometimes without verification of the coherence between the exercised functions and received training.

Training is not only a source of expenses, but real investment in human capital.

Recently (25 February 2009 AS n. 847-B), the Italian lawmaker passed a new law vesting the government with the competence to reform public administration, namely as far as managers' functions are concerned. However, this law remains silent as regards training. In fact, when it comes to managers, the principles laid down in the law of delegation of competence concern mostly autonomy and responsibility, disciplinary sanctions, evaluation of service, the class action opposing public administration, career development and mobility of public officials, salaries and control over staff absences. The law-

maker refers to training only twice: it establishes a six-month training period for the promotion to the position of a general director, and a training process for public officers with control and assessment functions. As it seems, the role of training in the efficient development of public administration is again underestimated. The law does not provide for an inherent rule for public officers' training to accompany the process of reform of administration, which is surprising especially amid the financial crisis which requires the introduction of more effective and efficient criteria of action.

While programming the regulatory reform of public administration, besides the expected financial, economic, administrative effects, the imperative of professionalisation and training should also be taken into account as well as the programming of appropriate courses to support the reforms: training is not only a source of spending, but a real investment in human capital. For the system of private businesses, this seems to be obvious; for the system of public administration – not yet. However, experience shows us that the demand for training will go up when citizens seek quality public services and decision-makers in politics will not be able to remain indifferent.

Public management



Management of public officers in Belgium

Christian de VISSCHER

Professor in political science and administration, deputy director of Association Universitaire de Recherche sur l'Action Publique (AURAP), Catholic University of Leuven, Louvain-la-Neuve, Belgium

The idea that the wind of reform is blowing over the past 10 years in the public administration of Belgium has become a cliché. The major trends of this reform concern mostly four areas: a new organizational structure, the accountability of senior civil servants through the introduction of a mandate, decentralization of operational competences in terms of HR management, development of a vision with a focus on evaluation of competences and services (OECD, 2007). Varying in degree and realization from entity to entity, the reform implemented at the federal level and federated entities – regions, communities – was inspired by the ‘New Public Management’.

Ministerial departments

At the federal level, ministries were replaced by federal public services (FPS) – 10 vertical and 4 horizontal. The former are in charge of operational competences (justice, social affairs, finance...),

the latter are responsible for the strategic vision and/or support, coordination and control over vertical FPS (budget and management control, HR management, ICT, general coordination).

At the level of the department, the new FPS structure is based on the separation between decision-making and implementation. The minister and his/her associates are responsible for strategic decision-making, while operational management is assigned to the FPS managed by mandated civil servants.

In 2008, the public services of Wallonia comprised 10 directorates-general: eight operational ones covering the competences granted to the region (budget, territorial planning, agriculture and environment, local government, employment, mobility, energy, fiscal issues) and two transverse ones, to deal with budget, logistics, HR management, judicial services. Flanders, in return, gave up its matrix structure in 2000; the administration there is divided into 13 areas of public action. Each of them is under the management of a minister and includes one department in charge of policy-making, as well as numerous agencies – either internal or external – depending on whether the agency is a legal entity or not for the implementation of policies.

Introduction of the mandate for senior civil servants

In comparative studies of civil service, Belgium is described as a country of a ‘closed’ regime of careers: access to the ‘low-ranking’ positions is given through

Management positions are no longer granted for an indefinite period of time, but for a five-year term of office, which can be renewed.

a competition and only successful applicants can pursue their career and reach the peak of the administrative pyramid.

The introduction of the mandate is a double blow against this regime of career development : management positions are not granted any longer for an indefinite period of time, but for a five-year term of office, which can be renewed. Furthermore, some of the highest-ranking positions are from now on accessible to outsiders with management experience. This opening took place at a federal level, in the Walloon region and in the French community. The idea of the mandate palpably changes the relation between the minister and high-ranking civil servants ; from hierarchy-oriented, this relation moved on to a contractual basis. The official is named (and hence is in a temporary statutory relation) for a five-year term of office, and presents an engagement letter or a management plan as a reference for the evaluation of his/her

performance at the end of the mandate. The term of office can be suspended prior to its end in case of insufficient results. The minister carries out a more detailed evaluation at the end of the term of office. Apart from the enhanced accountability of managerial officials, there are plans for relaxing rules for administrative and budgetary control (which has not been approved yet under the pressure of the opposition of politicians and inspectorates).

Decentralisation of HR competences

The third axis of reform has taken place only in the Flemish community and at the federal level. At the federal the responsibility of HR management is divided between the new horizontal public service for personnel and organisation (P&O FPS), which succeeds to the former Ministry of Civil Service and the P&O directorates established at every federal public service (the new name for ministries). The latter ensure the operational HR management for their employees, the horizontal service is involved in common policy-making in the various fields and the management of shared services, the Federal Agency for Civil Servants' Selection (SELOR) and training institute IFA.



Belgian senior civil servants have insufficient reflexes in the defence of their interests, unlike the networks established by large bodies in France.



The P&O FPS is also in charge of the management of mandated managerial civil servants. The new P&O directorates at the vertical public services have the following task: staff recruitment following a selection procedure carried out by the SELOR; welcoming and integration of new staff members, training, evaluation of career development, remuneration management; support of the evaluation process and more generally any process of change as regards staff policy at the department. This enumeration of the tasks of the P&O directorates shows the shift from single management to a more balanced distribution between horizontal services and departments.

Taking into account competences and evaluation of officials' performance

Straying gradually from the criteria of diplomas and 'work-derived experience', that is the length of service at the administration, in the 1990s career management took an unambiguous turn: the emphasis everywhere is put on competence management, even though behind this general term are hidden different realities depending on the entity. Also, the structure of ranks and positions was reviewed everywhere for the purpose of better alignment with the labour market and identification of professions and fields of expertise on demand. Meanwhile, the administrations seek to promote expert positions in order to preserve competences within the organisation.

The federal public service replaced the idea of ranking at the A level (university) with the notions of class and profession specialisation. They describe a group of relevant positions of the same field of expertise. Moreover, the civil service framework of the Walloon region identifies the professions corresponding to the positions (Daurmont & Schmitz, 2005). In line with the same logic, the selection and recruitment procedures were adapted to take into account to a better extent the competences and aptitude

of applicant rather than their diplomas only. Civil servants' self-development is encouraged namely by training and promotion of mobility. It always bumps into discord between the federal and other authorities in the organisation between these bodies. The remuneration and re-evaluation of civil servants has a large share in the content of the position, assumed responsibilities and implemented services.

The major criticism of OECD (OECD, 2007) concerned ministerial cabinets. The presence of numerous experts at the cabinets with poorly defined responsibilities as borderline cases of politics and administration, runs counter to the measures undertaken for the past decade for the strengthening of the managerial responsibility of senior civil servants. Some express concerns that this situation can hardly change in the near future as political parties frown at the idea of downsizing ministerial cabinets, which facilitate their influence over the political and administrative system. Moreover, Belgian senior civil servants have insufficient reflexes in the defence of their interests, unlike the networks established by large bodies in France.

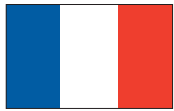
Bibliographie :

Odile Daurmont & Véronique Schmitz, « L'évolution de la carrière des fonctionnaires belges », Administration publique, 2005, tome 3-4, pp. 259-269.

OECD Reviews of Human Resources Management in Government. Belgium: Federal Government, Flemish Government, French Community, Brussels-Capital Region, Walloon Region. Paris, OECD, 2007.

Public management in Europe

Public officers' training



Reform relating to the right to training at territorial public service

Claire CORNET, former deputy director general of the National Centre for Territorial Civil Service (CNFPT)

In 2005 appeared the idea of implementation of a new training system for territorial officials in line with the expectation of their employer, the local authorities, as well as the expectations of civil servants. To elaborate this reform, the territorial public service first of all was inspired by the continuing development of the private sector, initiated by the inter-professional agreement of 2003 and the laws of 2004; subsequently it followed the example of the civil service of the central administration, launched in November 2006. This reform took the shape of a law, Act No 2007-209 of 19 February 2007 concerning the territorial civil service.

From a global perspective, this law triggers a new vocational training system, to a large extent influenced by the new rules of the labour code, compliant with those for European civil servants, and granted to the state civil service. It enables the harmonisation of vocational training systems while preserving the specificities inherent of the territorial public service. Above all, emerges the concept of *initial and continuing training* as regards life-long training by means of various provisions and tools.

Introduction of an individual right to training – this legislative reform introduced an individual right to training. From now on, every official will benefit from an individual right to 20 hours of training a year, cumulative for 6 years with a ceiling of 120 hours. The use of the individual right to training is on the

initiative of the official in agreement with the employer. The official can exercise this right if the training courses he/she chooses to attend are included in a training plan and have to be relevant to his/her improvement or training for preparation for competitions and professional exams. According to the opinion of a technical joint committee, the employer decides whether the individual right to training 'can be fully or partially exercised during working hours'. If it takes place outside working hours, the territorial authority allocates to the official a training sum corresponding to 50% of the hourly wage.

The reduction of obligatory training – this reform concerns also the reduction of obligatory training. It exists in a downsized form distributed throughout the career, but it remains for two major reasons. First of all, integration training conveys upon recruitment the importance of values relevant to the public service; likewise, the obligatory training periods or professionalisation are planned for the whole career duration. This appears to be rather distant from life-long training even though it is justified by the desire to guarantee the maintenance and development of the competences of territorial officials. In fact, the lawmaker believes in the necessity to retain a period of obligatory training, which seems to originate from a Franco-French concept.

The establishment of training records – since the law of 19 February 2007, per-

manent staff members, be it in tenure or not, receives from the authority an individual training record. The latter belongs to the official who fills it in throughout his/her career and career path. The record includes namely the following information: reference to titles, diplomas and qualification certificates, training courses taken and exemptions during the continuing vocational training, training dates, duration and level, internships, tutorials, etc, work experience, knowledge, professional competences and aptitude. The individual training record includes as enclosures: copies of titles, diplomas and qualification certificates; training and internship certificates, certificates of employment, possible references relevant to competences or professional interviews. The official can show his/her record in case of: assessment of his/her professional merits and professional experience for the purpose of inclusion on the aptitude list, via internal promotion or progress in rank; an application for transfer or secondment and an application for exemption from obligatory statutory integration or professionalisation training.

Finally, the law of 19 February 2007 should in the medium term profoundly change the vocational training system as well as human resource management even the statute of the territorial public service. The new system is meant also to guarantee the new balance between individual and collective logic or career logic and the logic of employers and local public action.



Training and evaluation: two key elements of human resource management

José RUANO

Professor in Administration Studies, Complutense University of Madrid

From the perspective of public administrations, continuing training of the staff is an indispensable necessity for the provision of modern and efficient public services. In fact, no doubt training leads to the improvement of staff productivity and the organisation as a whole.

The Spanish Constitution obliges public authorities to promote policies ensuring professional training and readaptation (Article 40, paragraph 2). In this context, public administrations of a certain size have generously encouraged and funded training activities for their staff, which involved the establishment of institutions and schools or signing of agreements on cooperation with trade unions, private businesses or universities. Hence, we can say that administrations are aware of the importance of training policies. Nevertheless, doubts surround the degree of optimisation of used resources: in general training is offered in an uncoordinated way by public institutions operating in the same sector; often training programmes are planned without taking into account the real training needs of the recipient organisations and without relating this policy to the HR strategic planning. Furthermore, a number of municipalities do not have the necessary capacity to develop staff policy and a centralised general information system is not available for all public administrations in order to clarify the real situation of employment in the public sector in Spain, to make analysis of the shortcomings and to adopt suitable solutions.

This situation is not surprising if we consider the short-term perspective adopted by each administration and the state administration's gradual renouncement to play a role in the structuring and articulation of the public service system.

The transformation of the training policy in the process of continuous improvement requires tools of needs detection and evaluation.

On the contrary, the system configuration and adoption of coordination measures are subject to negotiations within the respective sector dialogue. This is in line with the negligence of training in the statute to date. This gap, justified by the idea that training lies within the exclusive competences of each administration, is particularly serious if we consider it simultaneously as the employee's right and

obligation and on the basis of the fact that staff training policies have to be a fundamental instrument of HR policies, in relation to the development of officials' career and position, to such an extent that it becomes a process of continuous improvement.

However, no administration can function properly if it does not have a suitable strategy for human resource management and instruments for its implementation. The transformation of training policy into a process of continuous improvement requires instruments for needs detection and evaluation in order to measure its impact on the performance. In fact, the Spanish municipal structure is very weak, characterised by the existence of municipalities incapable of planning or of managing their own human resources. This factor would justify in its own right the coordinated action of the state and the autonomous communities in terms of training. However, the absence of cooperation is attributed to the difference in the relevant needs of each administration.

Despite the close relation between training and re-evaluation of staff performance, the statute focuses – in a rather general and isolated way, though – on evaluation instruments. Up to now evaluation was not part of Spanish administrative culture, although some sectors and administrations boasted of lasting interesting experience. In particular, the statute highlights the importance of evaluation tools adapted to the principles of transparency, impartiality and non-

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discrimination, and related for the first time to additional remuneration to be received by public officers and even to the continuity in the position at work, in case of a positive evaluation of the performance. The theoretical possibility – outside the practical effectiveness – that a civil servant may lose his/her job because of insufficient professional competence is an unprecedented qualitative change and a realisation of a shared opinion that it is socially unacceptable for civil servants who do not perform their tasks in a satisfactory way to keep their job for life.

Meanwhile, it sets out the opportunities for climbing up in the hierarchy and the possible rewards for every employee have to be linked to his/her performance and the targets of the organisation, as this will be fair and it is counter-efficient to treat everybody the same way without taking into account their attitude towards the service. In conclusion, the Spanish law starts to regulate the performance evaluation and to link it to official's promotion, the allocation of productivity-based bonuses and even preservation of the job.

After recognising the advantages of the introduction of performance evaluation measures for public officers, we have to turn to several weaknesses: the proposals of the statute are only of general non-binding nature, so, if necessary, the regional lawmaker will be the one to assume and develop the provisions of the statute in the form of general guidance. Secondly, the statute does not refer to the type of evaluation suitable depending on the case; to do so, it will be perfectly acceptable both for individual evaluation tools (much more stressful and detrimental to the climate of the organisation) and for evaluation ins-

truments of working groups or teams.

Moreover, similarly to staff training, the implementation of good evaluation systems requires significant internal capacity building: goal-setting systems, performance indicators, instruments to evaluate services, technical experts and qualified and



The implementation of good evaluation systems requires significant internal capacity building.



ria in promotion mechanisms, which implies the implementation of a set of performance evaluation indicators for each position or unit and linking part of additional pay to objective performance. However, these reforms seem to be little compatible with the prevailing bureaucratic logic. An authentic reform in human resource management presupposes a strong differentiation of officials' careers, thus subject to rewards or sanctions depending on their results, the responsibility of the officials for managing the careers of their subordinate officers. This double requirement, as Jacques Chevallier says, 'is incompatible with the statute based on formalism-oriented legal rationality and the rejection of random hierarchy, privileging lack of accountability.'

Meanwhile, we still do not know to what extent HR managers would be willing to introduce these instruments : in fact, they will favour transparency and management performance but are inclined to give rise to strong tension within the organisation. These measures, on the contrary, may have only an impact, mostly theoretical in nature, without enabling an in-depth transformation of the public administration and its relations with citizens.

committed managerial staff. These capacities cannot be improvised and they do not exist simply in a number of small-sized administrations. Without them, HR management dealing with performance evaluation would fail.

At the end of the day, the evaluation will enforce a provision which goes back to traditional procedures that have become obsolete, and will promote authentic measures of motivation in terms of progress and remuneration and sanction of conduct incompatible with modern administration. The merit system tends to be privileged over length-of-service crite-



Training driven by the employee's initiative in Sweden

Kerstin KOLAM

Associate Professor in Political Science, Umea University, Sweden

1. Introduction

Civil servants in Sweden can have different university background. There is no specific academic programme, or specialised institution with targeted curriculum for jobs in the public sector. Meanwhile, some public authorities have their own internal training cycles for young graduates. The only requirement is a university degree – sometimes in a specific field – for instance, a degree in social studies, depending on the job description of the future position. No requirements, and hence little regulation, are set down as regards the content of the university programme. Exceptions are made for education leading to an authorisation to practice. Some 30 professions are regulated by the law; dentists, doctors, nurses, accountants, psychologists and rescue service heads, etc. A large number of these professionals are trained at higher-education institutions, and their programmes are not necessarily identical.

2. Initial training

Initial vocational training is mostly within the competences of higher-education institutions. The majority of those universities are state-run, but some are private, regional or university colleges. A great deal of their programmes, mainly in social science, intend to train public sector employees. The choice of a university or degree programme does not limit the student's choice of job (public, private, liberal) after graduation as some programmes are rather general, such as those in public administration (PA).

Most often this is considered a branch of political science. PA programmes focus on public administration. The most

widespread majors are political science and economy. Law and statistics are also often included in obligatory courses. Some universities include also sociology, economic and social geography and public management.

Apart from the programmes named PA, a number of others offer public administration courses. The social work programme includes courses in political science, law, and public economics. Similar are the environmental health programme for health inspectors and

implementation takes place in an atmosphere of mutual interest and consensus.

3. Internal training

A number of public authorities offer preparatory training upon appointment. Government services (integrated authorities including the offices of the Prime Minister, ministers, the service of administrative affairs) organise a diplomacy programme every autumn. The applicants have to be BA degree holders and successful candidates obtain training as well as an internship (12 people were hired in 2007). They are employed by the government services and receive remuneration for the four months of their training. The national railway company also offers training upon appointment for some of its specialised staff (train drivers, ticket inspectors, attendants, etc).

4. Continuing education

In the world of work, the right to continuing education is not a general and formal obligation. But public and private sector employers are more and more involved in it. It can be introduced, for example, in case of changes in the law requiring specific competences or qualifications for public service providers in the said field. The training in 'leadership' skills is required everywhere.

Take for example the training of middle-management officials in the police. The national police distinguishes three levels of command: central, intermediate and local levels. The police conducts internal training for central-level officers. Normally local-level heads are trained by private consultancies. The

A number of public authorities offer preparatory training upon appointment.

the human resource management programme.

Higher education is highly decentralised. Universities decide on their own on the general content of the programmes. All departments related to a programme have also a lot of freedom in terms of specialised courses, although planning and negotiations usually take place at the programme's administration councils, where all relevant departments are members. Programme planning and

Public officers' training



Training driven by the employee's initiative in Sweden

third level – the intermediate-level officers – is always trained by universities. The courses taught are political science, pedagogy and law.

Another example is the judiciary. The national administration of tribunals is a governmental agency responsible for the general coordination of common issues. Its mission is partly to work on staff development and training. Some categories of staff, such as judges, have to go through training on a regular basis. Namely the general director identifies the need for training and potential trainees. There is a central training unit, but the number of courses organised at regional and local level will go up as specific needs increase. State administrations often provide training; sometimes in cooperation with specialised university departments. More often universities provide just special competences rather than a comprehensive training programme.

These examples come from the central level, but the situation in regional and local administrations is similar. The training of school head teachers is optional, but the state requires certain curriculum. Every regional area has a teachers' development centre. Often, centres are in contact with universities, with people who are at the same time university lecturers and former head teachers. Through a national agency the state negotiates with centres and signs contracts. It defines the content but the means to attain the targets depend on trainers' choice. A government report suggests that the training of head teachers should be obligatory, provided only at universities and focuses on legal issues.

Training-related provisions concern mostly public employees. But there are exceptions as a number of public services have been privatised, either partially or fully. So the training of head teachers at schools concerns both state-run schools and private ones as the latter have to stick to the national curricula.

An important aspect of the programme is the in-house internship, that is placements remunerated by employers. The remaining costs are covered by the governmental body. Every course is guided by a management group including representatives of employers, a university or a college and educational authorities. The goal is to ensure the involvement of specialists in the respective field. Annually, some 30,000 people complete the training course and some 80% are hired or start their own business after obtaining the diploma. The current government plans to set up vocational institutes in 2009. The major goal is to upgrade this type of training and to restructure these programmes in an institutional form of education.

Another major player in vocational training is Lernia, which 'supports companies and organisations in the main areas of staffing, education, skills enhancement'. Lernia is part of the government and is certified under ISO 9001 and ISO 14001. It provides qualified professional training for employed or unemployed people, among other services. Its customers are private and public employers, including local administrations, and NGOs. Lernia is part of European Vocational Training Association (EVTA).

In 2002 was established a governmental body, the Swedish Agency for Advanced Vocational Education (...), set up to meet the current needs for competences in the labour market.

5. Other training options

In 2002 was established a governmental body, the Swedish Agency for Advanced Vocational Education (KY). The KY offers 'post-secondary training to meet the current needs for competences in the labour market'. The requirement for eligible candidates is a comprehensive curriculum of secondary training or an equivalent level of knowledge. The training programme is organised in close cooperation with the labour market – both public and private – and caters for personalised competences.

6. Funding of training

The funding of employees' training in the public sector varies a lot. The training, including university studies, is free of charge, both for regular students and others. If the training is provided by a university and is part of regular programmes giving academic credits, course participants do not pay anything. However, people are not used to taking

continuing education. Some 20 universities and colleges provide contractual training for companies, organisations and national and international authorities. The National Agency for Higher Education requires the signing of a contract between the parties.

The fee has to cover the costs (trainers' pay, training materials, premises and equipment), but cannot generate profit for the training provider.



The funding of employees' training in the public sector varies a lot.



If the training is obligatory, the employer pays for it or can obtain funding from available government resources. If the employee takes the initiative, the conditions can be various. The employer and the employee reach an agreement on the training needs during an annual interview on the employee's professional development. In this case, the employer can pay. Under a third option the employee signs a training contract and pays for it, without involving the employer. The website of the Council for Improvement of the Administration gives information on the funding: 'The joint projects of employers and trade union represen-

tatives implemented at the workplace can obtain financial support. The local development activities can include the improvement of labour organisation, development of qualifications, participant and cooperation, leadership, work environment, diversity, ethics and gender issues, efficiency and quality of activities or training of employees'. The programme of the major educational institutions was assigned by the state and the local authority.

Conditions offered to individual participants vary in other types of programmes. In some cases, costs are entirely covered by the employer, in other - only a part of the costs are covered, while sometimes no costs are reimbursed. Everything depends of the employer's policy and the negotiations between the employee and the employer.

Apart from higher-education institutions, private consultancies also provide training.

7. New methods of training organisation

Distance internship is an important priority for most universities. It appeared 30 years ago. There is a constant demand from students and trainees, as well as from employers as participants do not have to be absent from work, at least for long periods of time. Hence, there are plans for online training for a large part of the programme for middle-management officers in the police.



In many cases, the employee has to be proactive.



The same applies to the new programme launched for head teachers. The use of this technique is easy as, according to a report of the World Internet Institute, 78% of the Swedish had internet access at home in 2007.

8. Conclusion

Civil servants' training is pluralistic. There are no specific regulations, few specific programmes and no specific institutes involved in training. In many cases, the employee has to be proactive. Amid financial difficulties, it can be difficult to convince the employer of the need for individual professional development and to explain the advantages for an organisation whose the workforce is properly trained. The highly-qualified workforce is a priceless asset for an employer, but this requires costs. The point is to know whether short-term costs exceed long-term effects.

<http://www.lernia.se/OmLernia/AboutLernia.asp>

Public officers' training



The training of civil servants in Ukraine: human resource management and good democratic governance

Anne AZAM-PRADEILLES,

Ministry of Interior, Overseas Territories and Territorial Authorities, Secretariat General in charge of administrative cooperation
Vira T. NANIVSKA, former head of the National Academy of Public Administration at the Presidency of Ukraine

We need to look at some aspects of the context to understand civil servants' training system. Ukraine has been an independent state for barely 17 years and it takes more than a generation to transform the soviet bureaucratic culture of former USSR, which is still present in the civil service. The Baltic states -- EU members states since 2004 -- were part of the former USSR, but they were independent between the two world wars. Ukraine rapidly turned into a Republic of the Soviet Union in the early 1920s. Nowadays, the Ukrainian political system is democratic with a clear-cut division of the three powers: legislative, executive and judicial. But amendments to the Ukrainian constitution continue and politicians have not reached an agreement on the type of the system -- presidential or parliamentary republic. The two branches of the executive -- President and Prime Minister -- are fighting in some sort of 'cohabitation' within the same party that won the Orange Revolution.

The Civil Service Act in Ukraine, effective from 1 January 1994, is still in force, as the new bill has not been passed; it regulates briefly the training of civil servants: Article 19 refers to refresher training and Article 29 refers to training courses and refresher courses.

Public service in Ukraine is more of a job than a career. Inspired by the Anglo-Saxon model, it is confined to the administrative staff and university degree holders. Public employees performing technical or less qualified functions as well as the majority of the staff at local administrations are not civil servants. But under consideration is the idea to build a really professional public service via recruitment procedures based

on competitions, with schools, long-term commitment and contract. Currently, recruitment does not take place through national exams, and after the appointment it does not include obligatory training. The only visible procedure, at least at the central administration, is the vow given by the newly arrived civil servant. But for many the probation period finishes with a departure -- not because of dismissal but because they are not satisfied with the offered professional prospects -- which leads to an enormous turnover.

In this context, training has turned into a key issue, not only to guarantee that new civil servants are capable of performing their tasks, but also to ensure that they will stay in office and provide

tion on 5 July 2006, which insists on *"the professionalism and political neutrality of the public service: and essential change should include the establishment of a professional public service, politically neutral and capable of developing and coordinating effectively policy implementation. In particular, it is necessary to introduce a procedure for nomination and promotion based on competition, making impossible the dismissal of civil servants on the grounds of their political opinions and other subjective factors. [...] It is necessary to introduce a mechanism of regular obligatory strengthening of civil servants' professional capacities."*

In the face of this challenge, in 2005 was drafted a new Civil Service Act. Several articles therein refer to training and make a distinction between initial training, continuing education or vocational training. Two articles detail vocational training and civil servants' individual training programme. But the bill does not establish a relation between vocational training and recruitment like in France, where to gain access to the public service, one has to pass a competition and to take training courses at schools such as ENA or INET for senior civil servants or IRA or ENACT for middle-management officials or specialised training schools. The bill does not make a distinction between the civil servants of central, regional or local administration.

Decentralization has so far led to the establishment of low level territorial authorities and district councils have little power and rely on the staff of the state representations in the district, the government. Hence dispersed and decentralized civil servants are not

Public service in Ukraine is more of a job than a career.

quality service to their administration or directly to the public. Hence the issue is a problem of human resource management and of good democratic governance. The quality of the public service is really at stake -- as was highlighted in the governance assessment carried out by OECD/SIGMA, presented at the National Academy of Public Administra-

clearly identified – even though some additional missions change. Therefore, there is just one single multi-faceted training system for civil servants.

The National Academy of Public Administration (NAPA) was set up after the independence as a central institution. Its name speaks for its ambitions, which is explicitly academic. And education and research have been its most important tasks for a long time. On 2 June 2006, the President of Ukraine passed Decree No 474/2006 *concerning the improvement of the Academy [...], guarantee of its leadership role in the process of modernisation of the national initial and continuing training system and the professional development of civil servants and local authorities staff* and appointed Vira T. NANIVSKA President in order to transform the academy into a training school. In order to work out the new concept, the president launched a national debate based on 8 questions¹. In March 2007, the concept was presented along with a road map. The most striking element of the analysis is: barely 6% of the budget is allocated for training, the rest goes for education and research. The major objective is to strengthen continuing training and enhance vocational training, namely through practitioner trainers. This will also increase the importance of internships.

The academy is a network of four regional public administration institutes : Kiev in the western part, Odessa in the southwest, Kharkiv and Dnipropetrovsk in the east; at the head of each institute there is a director reporting to the

Therefore, there is just one single multi-faceted training system for civil servants.

president. A video-conference system connects them every week to follow the progress of the reform. There are no formal differences in the training provided by the five institutions but Kiev seems to deal with the high-ranking civil servants – which does not prevent thousands of graduates of the institutes to find a job in prestigious central administrations. After receiving the diploma and once hired, numerous civil servants continue their studies and thousands pursue a PhD degree.

The Main Department of Civil Service (MDCS) in Kiev is the central administration for management of the public service, assisted by the Centre for Support of Civil Service Institutional Development, now called Centre for Adaptation of the Civil Service to the Standards of the European Union. The Centre houses the Programme Administration Office (PAO) for twinning projects and with international assistance the MDCS has

established a training centre. The MDCS has a decentralised service in every district and a training centre, except for in the 4 areas where the regional institutes are located. In the process of the reform, the Academy has organised numerous meetings with training centres. As civil servants are not recruited by a school, universities also play an important role in their initial and continuing training.

For the purpose of maximum harmonisation with EU standards and transformation into an administration school, in 2007 the Academy asked the Delegation of the European Commission for twinning with a member state for the benefit of a transfer of expertise². Hence, the training of civil servants in Ukraine has reached a transition phase. However – although the political situation does not facilitate the reform, the international support provides not only a bilateral basis (France, Germany, Canada, Switzerland, Denmark, Latvia, Poland, Ireland, Greece, Sweden, Norway, the UK, etc), but it exists also on a multi-lateral basis, the EU Neighbourhood Policy, OECD/SIGMA, the World Bank, etc., which provides now Ukraine with a reliable road map – which is to be implemented !

1- The 8 questions are:

- 1- What are the major problems of public administration in Ukraine in the transition to democracy?
- 2- What professional skills and expertise for work in a democratic environment do Academy graduates lack?
- 3- What should be the goals and results from the Academy's activities for solving public administration issues?
- 4- What do you think are the major characteristics of the 'ideal' Academy? What do you want the Academy to be like after its reform?
- 5- What problems do you identify at the Academy as a training institution?
- 6- What are the roots of these problems?
- 7- What decisions and measures are to be taken to deal with those causes?
- 8- What would you personally (your department, your faculty, etc) add to the reform and do to implement those changes?

2- Twinning CfPs EuropeAid/127748/L/ACT/UA Support to the development and improvement of the civil servants training system in Ukraine/Twinning project UA08/ENP-PCA/OT/14. French ENA in cooperation with Polish KSAP were selected for the twinning in 2009-2011.

Public management in Europe

Public officers' career path



In-depth competence in the face of mobility

Dr Antony GALABOV, Professeur en Sociologie,
PhD, Professor in Sociology, Department of Political Science, New Bulgarian University

The career path of public officers in Europe is often presented as a series of tests of skills, evaluated according to the efficiency and quality of provided services. Promotion in general follows two different trends. The first is based on the principle of recommendation. The second relies on competition. When the career path develops under the mechanisms of recommendation, the pursued goal is the confidence of the administrative or professional authorities. On the contrary, in competition-oriented career path, the consideration of results is built on the idea of performance evaluated through external criteria, considered objective.

This quite general distinction seems to be useful for the comparison of the development of European administrative models under the pressure of mobility which becomes widespread. Meant to ensure quality, these two models are always in competition as regards the nature of public employment itself. Competition seems to be more suitable in the private sector whereas recommendation is always identified as the most appropriate principle in the public sector.

How can we compare the two equally specific types and strategies for transfer from one to another? Which is the most reliable source of competence – experience gained through mobility or professionalisation guaranteed by the succession of positions? Which are the criteria to be taken into account to appreciate the progress within the two trends?

The increase in the number of administrative structures and the enhanced mobility of officials are a visible trend,

Performance evaluation carried out according to competition-based criteria creates problems while pushing ahead development.

observed almost everywhere in Europe.

The opening of the EU towards the free movement of employees strengthens the competition model to the detriment of the security and stability of the professional career. The two models, private and public, crisscross. The modes of work organisation within the public administration become increasingly closer to the efficiency sought in the private sector. That is why the career path of officials in western countries is organised around recruitment competitions, life-long vocational training, adaptation of the working conditions to career extension, but also around the encouragement of assuming responsibility, performance, and the removal of statutory obstacles to mobility.

Following the enlargement towards Central and Eastern Europe, these two models were confronted in the context of European integration policy. In Central and Eastern Europe, the former adminis-

trative models, identical with those of the western tradition, have transformed on an ideological basis. In the totalitarian administrative model, which supported the principle of ideological recommendation, the esteem of performance quality is always dependent on political loyalty. At present, in Central and Eastern Europe, where this tradition remains quite deeply rooted, performance evaluation, carried out according to competition criteria creates problems, while pushing ahead development.

Finally, the identification of some elements which are currently under development enables the evaluation of the pace of progress and quality of performance in the career paths of public officers in Europe. Career paths, dependent on the mechanisms of recommendation, are characterised mostly by vertical mobility, continuing work experience, focalised professionalisation, as well as by certain rigidity as regards structural and functional changes. On the contrary, the career path happening within a competition system goes through a vertical and horizontal mobility, rather short length of service, often related to an unstable professionalisation. The European model of administration develops a third type of career path, combining the elements of the two models.

To avoid the obstacles to mobility and to get familiar with the supply and demand, there is a strong need of renewal of the human resource management policy, oriented towards competence enriched through mobility.



Difficulties in promotion and inter-administrative mobility of public officers in Spain

José RUANO

Professor in Administration Studies, Complutense University of Madrid

No doubt good career prospects boost performance and productivity of public officers and, hence, the efficiency of administration. Currently, the promotion of civil servants takes place through gradual occupation of different positions, which enables the consolidation of employees' individual levels. This model provokes a number of criticisms: on the one hand, there is a gap between the structure of work positions, whose characteristics and occupation periods are defined by the administration, and the mechanisms of promotion, which depends on the official's personal interest in professional and economic development in return for his/her efforts. This discrepancy obliges the civil servant to change positions to advance, but in case there are no vacancies at his/her unit, he/she has to move to other services in the organisation which do not correspond so much to his/her qualification and training. On the other hand, the relation between economic promotion and job positions leads to the artificial creation of identical posts only to meet the economic needs of officials whom the organisation wants to retain. Again we can see how the establishment of organisational structures is subject to not very rational criteria. Hence, the career system limits promotional opportunities of civil servants, in particular A grade civil servants, provided that it is possible to reach relatively early one's maximum personal level. This problem is particularly salient in the case of local authorities, where the structure of positions is even more limited.

To solve this issue, the staff statute offers 'horizontal promotion' instru-

ments, which enable civil servants to make progress and consolidate their positioning in the organisation without changing the work position. Naturally, the horizontal promotion is also related to a positive performance evaluation, entitling to formal recognition of promotion and rise in the corresponding pay. Meanwhile, as far as contract agents are concerned, the solution is less original: economic promotion is directly related to conditions and requirements, which result from collective agreements

The establishment of organisational structures is subject to not very rational criteria.

although in most cases working conditions of civil servants serve as a reference model in negotiations.

There are major difficulties in ensuring inter-administrative mobility of the staff. The priority of the principle of self-organisation of every region implies that it is perfectly possible for every territorial administration to choose its own model distant from the model of state administration because of functional and management differences. As a consequence of the priority of the principle of organisational flexibility, appears the progressive territorial fragmentation of the public

service in Spain, which makes officials' mobility between administrations extremely difficult.

The co-existence of different remuneration systems for the same type of civil servants and contract agents (privileged by trade union initiatives at each administration) or the possibility based on the principle of self-organisation of introducing systems of management and organisation for various work positions create obstacles difficult to overcome for inter-administrative mobility.

We are not eager to recognise that in senior civil service, trade unions and elected officials, the resistance to coordination and mobility has corporate origins. The *tour d'horizon* is a dual system where a group of administrations shares common features of public service in the face of a minority sector, for which mobility is not high on the agenda, and which seeks deliberately differentiated models to impede possibilities of interaction with the rest of the administrations.

Naively, the statue shows good will for the organisational flexibility to be offset by the call for cooperation between the state and the regions within the dialogue in the sector. On the contrary, experience shows us that these mechanisms are insufficient in the absence of political will for coordination and awareness of belonging to a common political and administrative system.

Public officers' career path



The career path of public officers in France opens up new horizons

Delphine ESPAGNO

Associate Professor in Public Law, Political Science Institute of Toulouse

The French civil service is subject to major reform projects. During a visit to the Administration Regional Institute in Nantes, on 19 September 2007, President Nicolas Sarkozy summed up the basis of this reform¹: "better public service at better cost for citizens, encouraging and fair management rules for civil servants". He is in favour of signing of a new agreement with civil servants and citizens. In the follow-up of this discourse, a new nationwide discussion unfolded and touched upon the release of a white paper by J.L Sillicani². This White Paper formulates six strategic trends and 40 proposals to turn public services and the civil service into assets for France. It suggests namely the drafting of a charter of values, development towards 'profession-oriented civil service' with seven major specialisations which will replace the current segmentation based on several hundred bodies and improvement of civil service management. Other proposals concern namely the professionalisation of recruitment practices, the implementation of a 'public labour market' on the Internet, the replacement of rating by evaluation, a key element of the official's career development, and on the reconfiguration of officials' remuneration regime, in which one of the elements will be related to the grade (hence the official's qualification and work experience), and the other – to the position (hence, the job description).

Above all, the improvement in career development of public officers is key to the debate³. For several years, and in particular for the past months, the civil service has been facing new challenges. Administrative culture is changing, public officers have to adapt to these changes and developments. A new future is promised to the civil service. In accordance with the legislative provisions laid down in the laws of February 2007, public officers have acquired new rights and assume new responsibilities. The bill concerning career paths and mobility will introduce a new right to mobility, while systematising the principle of a right to mobility for all officials of the French civil service and granting easier access to private-



The improvement in civil servants' career development becomes a concern of public authorities which lay the emphasis on mobility, the pursuit of additional activities and vocational training.



sector employees.



Administrative culture is changing, public officers have to adapt to these changes and developments.



At present, civil servants' career path has gone through several notable developments, towards an even better future. Indeed, the introduction of an individual right to training, the recognition of the acquisition of experience, skills appraisal or the principle of mobility as a flagship in French civil service law can hardly remain unnoticed.

The improvement in civil servants' career development becomes a concern of public authorities which lay

1- Speech of the President of the Republic, Visit to the Regional Institute of Administration in Nantes, 19 September 2007, official website of the President's Office, www.elysee.fr/documents.

2- See, J.L. Sillicani, *Livre blanc sur l'avenir de la fonction publique. Faire des services publics et de la fonction publique des atouts pour la France*. Conference nationale sur les valeurs, les missions et les métiers du service public et de la fonction publique, 2008.

3- Bill on mobility and career paths in civil service, passed by the Senate on 29 April 2008, No 77. The text is being discussed at the National Assembly. on mobility and career paths in civil service, National Assembly, No 845.

the emphasis on mobility, the pursuit of additional activities and vocational training. It goes without saying that we cannot complain about these developments, or innovations in civil service law. However, we can remain sceptical as regards their real meaning and their application. Does the totality of provisions adopted or about to be adopted show a real willingness for enhancement of civil servants' career path? Do we have to consider these measures as nothing but a means for the introduction in the civil service law of provisions existing in the private sector for the purpose of harmonising the rules applicable in the public sector and the private sector ?

The adopted changes, launched first in the organic law on finance laws (LOLF) in 2001, represent the translation of a need of enhancement of civil servants' career and the willingness to proceed towards a merger of applicable rights in the two sectors. We have to admit that the French civil service has to be subject to a renovation of its legal system, in particular as regards the civil servants' career development. In fact, the current demographic, budgetary and Community context obliges public authorities to refer to the issue of development of public officers' career path.

To make sure that the enhancement of career paths is a means of meeting individual needs as well as a collective imperative.

On the one hand, this obligation is related to the increasing impact of Community rules on civil service law, whose consequences we cannot ignore⁴. The law of July 2005 illustrates this influence. On the other hand, the consequences related namely to budgetary constraints presuppose, in the vein of LOLF, a fair use of financial and human resources in the civil service. In the light of these constraints, the enhancement of career paths becomes a means of meeting officials' wishes for promotion and a response to new requirements. However, this also forces national and local public authorities to implement real human resource management in civil service.

In other words, just like in the private sector, human resource management in the public sector can become a means of meeting officials' individual needs as well as of staff costs reduction. In this context, both administration and officials have to take the opportunity offered by provisions to make sure that the enhancement of career path is a means of meeting individual needs as well as a collective imperative.

It goes without saying that behind these measures concerning vocational training and career paths, there is willingness to gradually modify the general statute of civil servants in order to respond, according to public authorities, to the criteria of efficiency and performance inherent in state modernisation and reform in France. 2008, and perhaps 2009, was for the civil service the year of change. If public authorities really wanted to transform and adapt the French civil service to the paradigms of new public management, one should not understate the human resource dimension and in particular, the enhancement of public officers' careers, while respecting the specificity of the French administrative tradition.

4- See : Council of State Report « Perspectives pour la fonction publique », La documentation française, 2003, Etudes et documents, Conseil d'Etat, n°54 ; J.L.Silicani, *Livre blanc sur l'avenir de la fonction publique. Faire des services publics et de la fonction publique des atouts pour la France. Conférence nationale sur les valeurs, les missions et les métiers du service public et de la fonction publique*, 2008.

Public officers' career path



Public officers' career path: the Portuguese reform.

Vasco Nascimento COSTA

Deputy director of Caixa Geral de Depósitos,

Member of the legal commission of the European Association of Public Sector Pension Institutions

1. Introduction

Traditionally, one of the distinctive characteristics of the statute of the civil servant in Portugal has been the concept of career, covering specific employment relations and a lifelong job.

Several sectors have objected to the content of this concept because of the almost automatic development of career, either vertical (promotion), or horizontal (progress) and the rigidity of the functional situation of public administration staff. And the same applies to the special statute as regards public administration staff. The XVII government programme hence announced the following objectives:

- Revision, improvement and generalisation covering the whole public administration of legislation concerning performance evaluation;

- Encouragement of civil servants' mobility and flexibility of working conditions;

- Application of a regime of employment contracts for new civil servants and officials, except in the cases where they perform sovereign functions.

After it took office, the government designated a commission to diagnose in detail the current situation in legal employment relations in the public sector, career and remuneration. According to the diagnosis report (September 2006), the situation can be described as follows:

- Enormous complexity and rigidity upon establishment of legal employment relations in the public sector;

- A large number of careers of identical functional content and proliferation of special-regime careers;

- Career development highly dependent on length of service ;

- Little transparency in the remuneration system independent from performance;

- Deficient relation between the mechanisms of human resource management and the state's budgetary capacity.

In response to this diagnosis, a number of fundamental provisions concerning public administration were approved in the field of human resource mobility (Law No 53/2006 of 7 December), performance evaluation (Law No 66-B/2007 of 28 December) and the regime of legal employment relation in the public sector, career and remuneration (Law No 12-a/2008 of 27 February).

2.Human resource mobility

The new mobility regime targets to improve the efficiency of management and staff mobility, while making already existing mobility tools more flexible and promoting new measures of training, vocational re-training and return to professional activity for the staff, either within public administration or in other sectors.

As a major novelty, Law No 53/2006 of 7 December introduced special mobility targeting civil servants and officials of bodies scheduled to be closed, merged, restructured or subject to workforce optimisation. This involves the civil servants' relocation to a new body resulting from the restructuring of services (disappearance or merger or restructuring with transfer of competences) and the application of a special mobility situation (SMS).

The staff in SMS goes through stages of

Table I: Special mobility situation

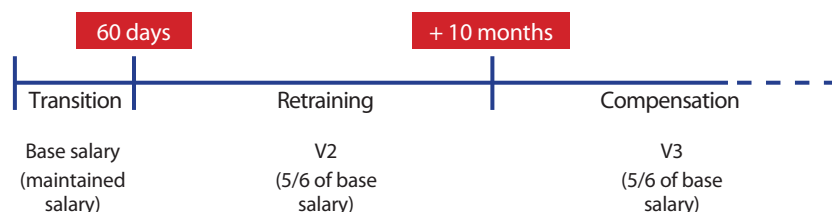


Table II: Extraordinary leave



transition (period of support for return to work during which the civil servant cannot perform other functions), retraining (stage focusing on training sessions and professional training during which the civil servant cannot yet perform other activities) and compensation (final stage, characterised by the support for training or professional relocation, during which the civil servant can already perform other functions, but is obliged to return to work).

The special mobility situation ends with one of the following options: return to work at the public service, non-paid leave, retirement, disciplinary dismissal by the public administration.

The civil servant in special mobility situation can ask for an extraordinary leave to perform remunerated functions in the private sector, without losing his/her position in the public sector, but under the following conditions: a minimum period of 1 year (afterwards when he/she wants to, the civil servant returns to the compensation stage) and regression of the subsidy.

3. Performance evaluation

The new performance evaluation system of the public administration has three goals: goal-specific management as a major principle; establishment of a direct link between the performance re-evaluation results and career and remuneration re-evaluation of employees and articulation of the re-evaluation of managers and employees with the evaluation of the bodies.

Performance evaluation takes place on an annual basis. It starts with the contractualisation of evaluation parameters (results and skills) in February and finishes in January/February of the following year.

Employees' performance is evaluated at the level of the Results parameter (the employee sets at least three goals and a performance measurement indicator every year) and the Skills parameter (the employee sets at least five, enumerated on the list of skills approved within the professional group of the stakeholder).

4. Regime of appointment, promotion and remuneration

The new regime of appointment, promotion and remuneration of employees in the civil service complies with the following general principles:

- Connection with the labour common-law regime ;

- Application within the legal employment relation (appointment and contract) of a single regime in the fundamental fields ;

- Maintenance of a career prospect in relation with remuneration development subject to performance evaluation based on results as well the needs of bodies and budgetary resources;

- Human resource management (objective-specific) at public bodies.

4.1. Appointment regime

The new system will allow for only two appointment modes: the (exceptional) nomination for major services of the state (defence, justice, security, interior,...) and contract of employment in civil service.

Nomination can hardly change as regards the previous situation, except for the case when social protection is concerned. Civil servants who have joined the administration after 31 December 2005, are subject to the general regime of social security rather than the previously applied special retirement regime of civil servants.

The contract, which replaces nomination as a common mode of appointment¹, will be similar to the contract of employment in the private sector, but without removing the obstacles and inconsistencies established for the appointed staff.

4.2. Career regime

As far as career is concerned, the plan includes a considerable reduction in the number professions, establishing professions with broader denominations and job descriptions (merger of 1,715 professions into three specialisations of general regime) and highly limited possibility of introduction in the future of new specialised careers.

4.3. Remuneration regime

The new system is based on three elements :

- Base salary: the base salary depends on a table of remuneration specific for every employee of the public administration and for every position. The number of remuneration levels for a profession in principle (depending on the length of service and classification) enables the civil servant to attain the maximum level at the end of his/her professional life.

- Bonuses or additional pay: the major goal of the reform at this level was obviously to fight against the classical situation of widespread bonuses whose only purpose was to top up the base salary.

- Performance-based bonuses : a new benefit was introduced to ensure the allocation of bonuses to the best employees depending on budget availability.

5. Conclusion

The adopted measures are ambitious in terms of scope and content.

Nevertheless, they need further regulation and more or less long transition periods. The legal architecture of the new regime is still reasonably defined. The reform is now entering into its second really fundamental stage, when the new model has to be applied in practice.

While waiting for the advent of the new regime of employment contract in administration, the assessment of this major reform cannot take place.

1- This article was written prior to the promulgation of the new regime of employment contract in civil service by the President of the Republic, approved by the Parliament on 18 July 2008. The amendments to the Labour Code are still under discussion. Hence, it is not possible to deepen the analysis thereof.

Public management in Europe

Public officers' remuneration



Public officers' remuneration in Germany: new classification and performance-related measures

Ewald EISENBERG

Professor at the Fachhochschule of Kehl, project manager at the Euro Institute of Kehl

The remuneration system covering nearly 5 million public officers in Germany is currently going through major changes. In general, it is caught in a dilemma as everywhere in Europe: on the one hand, it is necessary to launch profound changes to ensure competitiveness in the context of globalisation; on the other hand, there is a strong resistance which forces decision-makers to stick to the *statu quo* and not to touch social privileges.

Traditional dualism of German civil service

The German civil service is divided between two statutes. On the one hand, there are civil servants governed by public law, the *Beamte*; the relevant statute, career and remuneration are regulated by law.

On the other hand, there are contract agents in the public sector, the *Angestellten*, for whom remuneration statute includes regulations of labour law, hence private law, and collective agreements.

This duality continues to exist and is not put into question. Since the constitutional reform in 2006, the law and remuneration of public-law officials (*Beamte*) have not been within the competence of Bund, but have been included in the legislative competence of each Land. Therefore, in the future there will be more differences in remuneration and enhanced competition between *Länder* in regard to officials. However, despite the reform, for the time being the law governing the remuneration of public-law civil servants has not been reshaped yet.

The new model of collective agreement for the public sector of 2005

The most interesting project concerning the remuneration of public officers was launched by the new collective agreement for the public sector. It was negotiated in 2005 between public-sector employers and trade unions and the provisions, concluded in March 2008, put a finishing touch to it. Although it concerned only federal state officials and employees of the local authorities, the agreement on the *Länder* was modelled on the same basis.

The new regulation on remuneration includes a base classification of 15 groups and 6 levels of work experience, meant to replace the 1,700 different elements of classification for the positions described in the former regulation. The 15 groups of the classification correspond to the necessary base qualification for the position (groups 1-4 – no specific qualification; groups 5-8 for vocational training of 2 to 3 years; groups 9-12 – BA level; groups 13-15 – MA level). The 1-6 levels correspond to the degree of experience reached over certain period of time (15 years at the maximum).

In the face of demographic changes and for the purpose of making the public sector more attractive in comparison with the private sector, with which public employers compete for the best professionals, the remuneration of lower levels rises more quickly than the pay of the upper levels. This enables the young to reach faster the levels where they can earn more.

Indicative element of remuneration

Rarely has a reform been so controversial in terms of incentives for officials' better performance. The principal idea was that part of the salary has to be independent from base qualification (reflected in the group) and duration of work experience (reflected in the level). This part would be allocated in the form of a merit-based bonus for every employee for the past year. The indicative element had to come in at 8% of the pay. However, under the pressure of considerable opposition, this element was reduced to current 1% and the 8% target has to be reached at some indefinite future moment.

The sum needed for the 1% merit bonus was ensured through the suppression of bonuses laid down in the previous regulation. The bonuses related to the number of children and part of the 13th salary were removed from the list.

The criteria to measure officials' performance have not been regulated in the collective agreement. Only two possible systems have been selected for performance measurement: achievement of goals and systematic appraisal of services provided by a colleague. Exhaustive criteria have to be detailed in a separate agreement, to be negotiated from one administration to another between the head of the unit and staff representatives.



What is the attraction of the territorial civil service ?

Jean-Luc BŒUF, consultant
Professor at the Paris Institute of Political Studies

The state determines the rules for remuneration

The remuneration of public officers in France depends on the level on which the official works (state, territorial authorities, public hospitals). It accounts for nearly 45% of total state expenditure and less than 25% of the expenditure of territorial authorities. However, the remuneration of the territorial civil service (TCS) is to a large extent determined by regulations and decrees which are directly applied to the local authorities.

In fact, remuneration is part of the official's statutory and regulatory situation; it is determined under Article 20 of Law No 83-634 of 13 July 1983 concerning the three categories of public officers (state, territorial and hospital) and mainly depends on the official's status. The statute establishes the common rules for all officials in the same position. Although diversification varies according to geographic factors, family benefits and the relevant authority or entity (which determines the compensation scheme), these elements are binding and are calculated in an identical way (to a large extent fixed

by the state), regardless of the respective civil service.

As the remuneration policy is conditional upon the necessity of budget control on the part of the state, the state itself defines the regulatory framework, the remuneration scale and pay rises negotiated with the trade unions, but applied automatically for the authorities, following their transposition in regulatory provisions.

Within this '*conditional release*' system, what is the actual room for manoeuvre of the territorial authorities as regards the state in the definition of remuneration of territorial officials ?

Council of State Ruling CE 23 April 1982, the city of Toulouse vs. Aragnou, No 36851 outlined in principle the general obligation for public employers to pay to their officials remuneration at least equal to the national minimum wage SMIC (indexed on the SMIC value for the private sector – EUR 1,321.27 as of 1 July 2008).

Hence, the compensation schemes (containing pay and bonuses related to

the level, the position, job description or allowances), whose nature is facultative and which represent an adjustment instrument for territorial authorities, are equally subject to 'the parity principle'. The compensation scheme, set locally by the territorial authority council, is therefore subject to the availability of limits of the regimes for the benefit of the various state functions. This is equal to saying that the compensation scheme granted to a territorial civil servant cannot be more favourable than the one of the state civil servant performing identical functions.

Territorial authorities forced to enhance their appeal

As regards the increasingly tense situation on the labour market, the limited room for manoeuvre granted to the local authorities in the field of remuneration of their officials creates a problem in the competition between the different authorities, which see the levers of their remuneration policy curbed by national provisions.

Finally, the room for manoeuvre of territorial authorities could be juxtaposed with the European image of the European Monetary System (EMS), the successor of the *Monetary Serpent*, which since the 1970s have been limiting the fluctuations of the rates of exchange between the member states of the European Community around the reference rate, the ECU. While fixing at the European level the fluctuation range of national currencies, this economic provision put into frames governments' room for manoeuvre in establishing exchange rates of their currency. Likewise, territorial authorities seem to be able to respond only in the periphery when it comes to the remuneration of their officials.

What does remuneration contain ?

I obligatory elements

- salary
- residence compensation
- family benefits
- salary-related pay
 - new grade-related bonuses
 - differential pay

I facultative elements

- I compensation scheme

How is remuneration determined ?

I Gross annual salary: grade, rank and level gross index (rank index), which corresponds to increased index (salary index between 280 and 821) (increased index x salary value divided by 100)/100

I Compensation scheme

Guaranteed minimum = SMIC = EUR 1,321.51 gross/month (1 July 2008) EUR 15,858.12 a year

Public officers' remuneration

What is the attraction of the territorial civil service ?

Therefore, the system does not appear to be satisfactory namely as regards the current demographic situation.

Attracting specialised and qualified staff

In fact, with the numerous retirements that affect the public sector as well as private employers, the competition will become more and more fierce. The difficulty in finding people for some positions (for instance, doctors, nurses or engineers), aggravated by the policies of remuneration restricted by rigid and penalising national regulations, threatens to put into question the viability of some local public policies.

What policies can be implemented to attract talents? The foundations of any modernisation of public officers' remuneration policies lie on the flexibility of national provisions, first of all making place for taking into account officials' results and performance; on the one hand, with evaluation tools to guarantee equity and, on the other hand, preference marked by the logic of the profession rather than by the closed statutory logic.



The difficulty in finding people for some positions, aggravated by the policies of remuneration restricted by rigid and penalising national regulations, threatens to put into question the viability of some local public policies.



If we borrow the language of the private sector, a rather bureaucratic management highly restricted by the state would impede the 'managerial' development of human resource (HR) management at territorial authorities.

In this light, the state and the territorial authorities are quite tempted to seek more flexibility in opening temporary positions, recently encouraged by a loophole related to open-ended contracts, and which can emerge from a mixed regime of salary for public officers, where statutory rules coexist with practices of collective agreement referring to the regulation modes from the private sector.

The limitation of authorities' room for manoeuvre in establishing territorial public officers' remuneration can still vary.

In fact, the economic circumstances also seem to be a factor in determining the attraction of civil service and the territorial civil service, in particular.

Amid economic uncertainties (down-turn), the civil service offers a good employment-security ratio. In case of weak growth, jobs in the private sector depend on the laws of the market, and civil service attracts a large number of potential employees thanks to the security of the positions it offers.

On the contrary, in a good economic environment, and in a period of growth (upturn), the territorial authorities' efforts to attract employees have to increase in competition with the private sector.

Hence, the TCS, which plays on attraction and economic environment, is closer to the operational methods borrowed from the system and professions in the private sector, while ensuring its simultaneous modernisation and diversification of its own professions, through the development of evaluation or modern finance management or audit systems (borrowed from the private sector).



The TCS is closer to the operational methods borrowed from the system and professions in the private sector.



The progressive managerial approach to remuneration will contribute to the establishment of a dual system in France.

In fact, a rapid development at the local authorities as compared to the state, can create a problem. The difficulties encountered by labour market players, driving territorial authorities towards a more 'managerial' approach rather than statutory, threaten to lead to a dual remuneration system.

This system will leave the civil service rather limited, while on the other hand pushing the development of flexible provisions to increasingly targeting and attracting talents (development of the GPEEC methodologies – forward-looking management of employment and competencies).

In this respect, France will abandon its specificity to join the general development of remuneration policies within the European Union (EU). This process is in line with the more general development of the regimes of public services in Europe (liberalisation of network services – services of general economic interest SGEL), takes part in the growth of subcontracting policies and corresponds entirely to the concerns over the management of public spending expressed in the majority of European countries.



Flexibility related to merit and productivity

Pierre Luigi MASTROGIUSEPPE,
Decision-maker at ARAN

(Agenzia per la Rappresentanza Negoziabile delle Pubbliche Amministrazioni – Agency for Negotiation in Civil Service)

Since the reform of public-sector employment in 1993, the remuneration of public officers has been subject to collective negotiation similar to the talks in the private sector. Upon the formation of the latest government, this system came in the centre of debates. New reforms have been announced.

1) The existing system: remuneration negotiated at national and local level

Just like in the private sector, remuneration is determined under national and local collective agreements. National contracts are determined between the most representative trade unions at the national level and a specialised agency (ARAN). The national contract specifies the basic elements of remuneration and its indexation depending on the changes in purchasing power; it applies to all salaries of the same category; the parties determining the remuneration change every two years, the others – every four years.

Local contracts where employees' integration in a single administrative body provided for sharing of the outcome of productivity generated at the local level and definition of criteria for productivity-based bonuses, accounting for 10% to 20% of total remuneration. Rules inherent of the private sector made their way to this system of private law.

First of all, financial resources allocated for pay rise are fixed in the budget law prior to the launch of negotiations. A similar mechanism is planned for negotiations of secondary level: rules specify that contracts are covered by suitable funding laid down in the budget of administrations negotiating the local contracts.

A number of doubts are expressed that there are real negotiations as long as one of the fundamental elements, the determination of the total amount of pay rise, is an external element for the talks.

Meanwhile, ARAN negotiates on the basis of formal mandates (called *atti di indirizzo*) established in a rigid way by the government and other non-state administrations. These directives can fix the part of the resources allocated for base pay rise as well as the part destined for local negotiations. This rigidity creates difficulties for ARAN, as it causes a number of interruptions in negotiation to verify or modify the mandate obtained during negotiations. On the other hand, the familiarity of trade unions with the mandate limits its power.



Since 1993, the remuneration of public officers has been subject to collective negotiation similar to the talks in the private sector.



Finally, collective agreements are subject to administrative control as regards the allocation of expenditure. Prior to any final allocation, agreements are sent to the government, in particular to the Economy Ministry, which has to say whether the agreement complies with budgetary policy and the Court of Auditors, which has to verify the accounting of the agreement with the budget

resources and its compatibility with the macroeconomic environment.

2) Towards flexibility in remuneration: remuneration calculated on the basis of merit and productivity

The setting of public officers' pay remains part of a private system, but with public regulations. It was meant to put an end to the unilateral setting of remuneration and pay rise irrelevant to the benefits of productivity in the public sector. The reform helped to overcome the rigidity of the previous remuneration systems and to link remuneration to productivity:

- By the partial transfer of remuneration towards contracts of secondary level;

- By strengthening the link between productivity and evaluation of remuneration.

The idea was to establish a centralised system by making base elements of remuneration uniform, but a decentralised one for elements dependent on merit and productivity.

For managers, the reform and subsequent national contracts laid down certain base remuneration at a national level more or less similar for all managers and variable pay determined at a local level, related to the 'job evaluation' (remuneration for the position) and management-related results (remuneration of the result). However, at present there is some rigidity and restriction of variability reintroduced: the remuneration for the position has been divided into a fixed part equal for all managers (*de facto* base remuneration) and a variable part. Meanwhile, the latter

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has been reduced in comparison with the total pay: currently, the remuneration of position and result account for 15-20% of total remuneration but the former is dominant over the latter. A similar attempt took place as regards non-managing civil servants. It was meant to strengthen the link between remuneration and productivity and merit, thanks to the transfer of salary quotas at the local level. In total remuneration, the importance of remuneration elements links productivity (annual variable bonuses) and individual merit (individual merit-based pay rise) increased, although the importance of these elements remains rather limited. Administrations were also granted the opportunity to propose within certain limits career development for their officials. In this case was also noticed the return to certain rigidity.

A reform which failed to keep its promises

The attempt to relate the salary quota to productivity and merit is in general disappointing as the development of *new public management* in administrations was insufficient: performance appraisal is not so widespread, the development of management and distribution of orientations inspired by this culture had a marginal impact.

In addition, trade unions have opposed to the idea for even a limited part of the salary to be based on the system of result evaluation or individual services.

Amid these difficulties and resistance to the adoption of really merit-oriented systems, the management of variable pay at the local level did not take into account the original idea of the reform, and the logic and mechanisms remained similar to the previous ones. In a number of cases, the variable pay was regarded as an opportunity for com-

pensation for the fixed national part of salaries, which does not fully reflect the inflation rate. This led to the distribution of resources on the basis of automatic mechanisms and a significant increase of beneficiaries (the so-called *distribuzione a pioggia*) rather than on the basis of selective criteria and merit-oriented factors. Meanwhile, any link with the evaluation of the growth in productivity of units was gradually cut. In local negotiations, the demand for the allocation of larger resources was almost always justified by the request for salaries corresponding to the cost of living (a function usually reserved for the national contract), rather than the real benefits of productivity and the quality of public services.



The demand for the allocation of larger resources was almost always justified by the request for salaries corresponding to the cost of living, rather than the real benefits of productivity and the quality of public services.



This behaviour resulted in a rise in public salaries higher than the increase in the private sector, which is not always compatible with the macroeconomic environment and the constraints of the public finance

The announcement of a new reform

This situation is no longer acceptable for macroeconomic reasons related to the budget deficit which puts Italy in a particularly vulnerable position because of the very high level of government debt. Furthermore, because of the negative perception of administration and public officers strengthened in public opinion. It constituted made legitimate a radical reform of the public administration as announced by the incumbent government (in particular by Minister of Public Administration Renato Brunetta: see his statement in this issue; he relaunched vehemently the issue of productivity of public officers). Among the different initiatives of his Ministry, the ones addressing absenteeism provoked significant repercussions in the press. The government has recently adopted a measure to introduce economic sanctions in case of sickness absence and tightened the control system.

The financial restraints relating to secondary-level negotiations were enhanced to curb the dynamics of remuneration. Minister Brunetta has recently announced the second stage of the reform to put again the emphasis on the discussion on productivity and merit. However, these questions are most difficult to address as they concern the structures which have undermined the positive effects of the reform from the 1990s: the status of the manager and the development of evaluation of efficiency of public action.



The dilemmas in remuneration of Dutch public officers

Laurens J. ZWAAN, consultant/researcher, Leeuwendaal
Jan KENTER, expert in remuneration/researcher, Ministry of Interior, the Netherlands

The average reader is not familiar with the remuneration system in the Dutch public sector. Therefore, we start this article with a short outline. We shall focus on the major dilemmas in remuneration in the public sector: position versus performance, private versus public, and top-level remuneration.

The Dutch system in a nutshell

The basis of the remuneration in the Dutch public sector is the pay depending on the occupied position. There is a system describing and classifying positions according to level. Every level is divided into sub-levels. The civil servant starts from the lowest sub-level of the respective level as defined in the classification of his/her position.

Although the performance can influence the progress within the level, under the widespread practice the civil servant moves up to a new sub-level every year until he/she reaches the top sub-level. If the civil servant holds a position of higher rank, he/she can progress in terms of level.

Since 1993 the public sectors (national, municipal, police, education, etc) have been holding their own negotiations with trade unions on working conditions. Thereafter, despite the similarities, the sums within a level can vary from sector to sector. The system of classification of positions can also vary.

Position or performance ?

Civil servants' remuneration is mainly determined by their job description. Since the 1980s, the public sector has been trying to give more weight to performance. The automatic annual pay

rise, regardless of performance, has raised criticism. A possibility of depriving the civil servant of this rise in case of poor performance was introduced, whereas he/she may be granted a higher rise and promotion in case of excellent performance. Some sectors needed more time than others to abandon the automatic system. For instance, water management authorities have recently introduced some flexibility of remuneration.

Performance-based remuneration is not possible without a set of precise rules for performance evaluation, with a clear-cut definition of goals and criteria.

The performance-based salary differentiation is a culture shock.

There is a major difficulty: very often the mechanism of evaluation is not considered priority and is therefore neglected. Managers consider it equally difficult to apply it, in particular to make a reliable and real distinction between their employees.

Dutch culture does not help much in the application of this mechanism either. Flaunting one's success is not well accepted. One is supposed to be modest in case of personal success. Excellence is regarded almost as suspicious. There-

fore, the possibility of introducing salary differences depending on the performance provokes a real culture shock !

Moreover, civil servants tend to contest decisions affecting their 'rights'.

These factors explain why despite the inclusion on the agenda for 30 years, performance-based remuneration has not been applied to date for all public sectors. Where it appears to be applied in theory, it is not put into practice. Some managers tend to avoid a real differentiation and still stick to the previous automatic promotion in sub-levels.

Performance-based remuneration is a topical issue. The demand for a streamlined and more efficient public service and the competition on the labour market forces the public sector to reconsider its remuneration system and to find more flexible and competitive mechanisms.

Public versus private

The competition for employees obliges the public sector to take into consideration the remuneration in the private sector. The major difference between the two sectors is related to their *raison d'être*: the public good, on the one hand, the business of private investors, on the other hand; the political aspect on the one hand, earnings, on the other. The fundamental and visible distinction refers also to remuneration systems. Another difference is heterogeneity. The public sector is more or less coherent: employees of governmental bodies, education or healthcare earn comparable salaries. The private sector is much more fragmented. The level of salaries in the finance, industry or hospitality business are absolutely different. Then what do we compare when we

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talk about the comparison between the public and the private sectors? In fact, definitions themselves create problems.

The comparison of remuneration is always a bit difficult because of the differences between the positions, the diversity of sectors, variation in remuneration budgets, working conditions, employment security, etc. The comparison and mostly statistics have to be handled cautiously. The comparison is however vital for understanding but it is indispensable to define the scope of the study.

The average salary in the public sector is 1.6% higher. However, there are significant variations in different groups. The

Educational level	
Elementary	2%
Low	12%
Medium	14%
High	-11%
Top	-12%
Age	
< 25	29%
25-34	-1%
35-44	-8%
45-54	-9%
> 55	-6%
Sex/ Contract	
Man 100 %	-7%
Man part-time	-13%
Woman 100 %	4%
Woman part-time	0%
Profession	
Technical	-1%
Administrative	-3%
Management	-23%
Unknown	8%

graph here is divided into four parts: educational level, age, sex/contract, and profession.

Les causes des différences de rému-

The minister is at the head of the department, he/she is entirely responsible for the action of its civil servants.

nération sont complexes et variées. Nous ne pouvons pas explorer tous ces éléments dans cet article. Notre but est de démontrer que les différences entre les secteurs ne sont pas générales mais spécifiques. Les mêmes principes s'appliquent au déficit du travail. Une rémunération relativement basse ne constitue pas nécessairement un problème, sauf si elle s'accompagne d'un déficit de travail. Les mesures et les systèmes de rémunération doivent être spécifiques et adaptés aux buts politiques.

The positive percentage means higher salaries in the public sector, a negative percentage indicates lower salaries. People of inferior educational level, the young and women are better paid in the public sector. The profession is not an element of pertinent definition, except for the management, which can create a problem. But when the study was carried out, there was not a large labour deficit in the public sector.

The reasons for the differences in remuneration are complex and various. We cannot analyse all the elements in this article. Our goal is to show that the differences between the sectors are not general but specific. The same principles apply to labour deficit. A relatively low remuneration is not necessarily a problem, unless it is accompanied by labour deficit. Remuneration measures and systems have to be specific and

adapted to political goals.

We should not forget that the satisfaction from the position is equally important as the salary. A questionnaire (2006) indicated that in the public sector 45% of officials were happy with their salary, against 50% in the private sector. In return, 83% of officials in the public sector were satisfied with their job description against 68% in the private sector.

Top-level rewards

Top-level rewards in the public sector is a major issue in the Netherlands. Are top civil servants adequately remunerated? There is a saying that civil servants should not gain very high salaries as they are paid by the people. However, the continuity and quality of public services is in public interest.

The minister and the civil servant - comparison

The minister is at the head of the department, he/she is entirely responsible for the action of its civil servants. From a legal point of view, political officials, such as ministers, are fundamentally different from civil servants. The parliament is actually entitled under the Constitution to control the government's actions. One of its rights is the motion of no-confidence, which forces the government to resign. If the minister is in the same legal situation as any other public officer, he/she could object to this dismissal and appeal against such a decision.

The nomination and dismissal of a minister are entirely political decisions, which come into force immediately, without the possibility of an appeal; but the law guarantees appropriate remuneration.

neration and pension. They are fixed and are not negotiable. All these advantages for the minister are precisely defined; the law does not make an exception. The other advantages usually granted to officials – such as bonuses, overtime pay or holidays – are not applicable for ministers.

The amendment to the law concerning these benefits requires a parliamentary and senate majority. The current pay amounts to EUR 132,000 a year.

Since 1 January 1981, after the latest revision of the structure of top-level remuneration in the civil service, ministers' salaries were set at EUR 78,672 a year. Ministers' salary has not changed ever since. Only annual rises relevant to civil servants are applied. When civil servants' remuneration was changed by the collective bargaining agreement, the minister's remuneration was also raised under a royal decree. But other benefits granted to civil servants in the collective bargaining agreement were not applicable to ministers.

In general, senior civil servants are in a strong legal position.

The Dijkstal Committee

Labour cost has been on the rise since the 1990s. The Dutch public sector was severely hit by labour shortage in considerable proportions, some studies show. In the private sector, there were scandals over hefty pay granted. One aspect was particularly alarming for the cabinet. Governmental civil servants at the top of hierarchy appear to be worse paid than officials at similar positions in other sectors. Career development and remuneration issues hence have to be in the focus of particular attention. Therefore, a remuneration committee was set up, the ad-hoc committee on remuneration and the legal position of high-ranking civil servants, known as the Dijkstal Committee, named after its chairperson and former Minister of Interior. This Committee has given advice to the government on top-level remuneration in the

state since 2002.

The Committee has found out that ministers' pay is nearly 30% below the remuneration of senior civil servants in the public sector. The mechanism for the pay rise of political officials did not function properly. Also the Committee highlighted the gap between the public sector and the private sector. Furthermore, the Committee found out a considerable variation in bonuses within the public sector, sometimes related to performance, but more often without any



Although it was relatively balanced, the Committee's report was like dynamite. The major issues were disclosed on the night before the release of the report and were announced to the public in prime time.



relation to it. The relatively high autonomy of departments and their secretaries-general was the reason for these significant differences in salary. Therefore, a change in the system is needed.

The Committee recommended an immediate 30% rise in ministerial pay to make up for the discrepancy, followed by a 20% increase in the following cabinet period, to try to narrow the gap with the public sector. Ministerial reward had to represent the maximum remuneration to be granted to civil servants in the public sector. Exceptions could be made only after the agreement of Council of Ministers. A permanent committee was to be set up to monitor the remuneration of political officials and advise the

government on this issue. As regards senior civil servants, the Committee recommended a remuneration scale based on 10 sub-levels. Finally, a performance-based remuneration instrument had to be created and applied.

Although it was relatively balanced, the Committee's report was like dynamite. The major issues were disclosed on the night before the release of the report and were announced to the public in prime time. The proposal for a 50% rise (30% + 20%) in ministerial pay amid recession and following a solemn call for moderation of remuneration seemed absurd. An immediate condemnation of the report was to be feared although the committee's work appeared to be based on solid arguments. The cabinet adopted most of the recommendations. But because of the unfavourable socio-economic climate, the ministerial pay will be changed only after the next elections and the rise will be limited to 30%.

Since the release of the report some changes have occurred. The Minister of Interior assumed the responsibility for the remuneration of all senior civil servants. Civil servants can be paid at the same level as the minister, including after the 30% hike. However, ministerial remuneration itself is not too high.

The original proposals were made in 2004. Now it is 2009. The parliament has to give the green light for a fundamental change in the remuneration mechanism. But the change in the public sector appears to be difficult. The principal criteria to determine top-level remuneration in the public sector are defined in a political way; a shake-up will be needed on the labour market to trigger major changes.

Berkhout, E., Heyma, A., Salverda, W., Beloningsverschillen tussen marktsector en collectieve sector in 2004, Amsterdam, augustus 2006

BZK, Trendnota Arbeidszaken Overheid 2008, Den Haag, 2007

Cie Dijkstal, Over dienen en verdienen, Den Haag, april 2004

Leuven: Public action in the heart of Europe



The AURAP is the research and training centre specialising in administration and public policies at the Department of Political and Social Sciences of the Catholic University of Leuven. Managed by Professor Christian de Visscher and Professor David Aubin, it is a point of multidisciplinary convergence of public action topics in Belgium.

The acronym stands for a name unpronounceable in one breath – *Association universitaire de recherche sur l'action publique* (the University Association of Research in Public Action) – which makes efforts to sum up the scope of action of its team of lecturers, assistants and researchers.

AURAP's competences are recognised in public management.

On the one hand, the AURAP's competences are recognised in public management, with a focus on the relations between the administration and citizens, budget management, organisational change and modernisation of public administrations. In ongoing pro-



jects researchers focus on the mandate system in senior federal civil service, the regulation of the financial markets and the development of internal audit in the public sector.

On the other hand, the AURAP shows an expertise established in the field of comparative analysis and evaluation of public policies. Research axes developed under international projects concern environmental public policies, regulation at different levels of industries and network infrastructure in energy, telecommunications and transport, as well as innovation in biometric science.

AURAP research is mainly financed by external public funds (e.g. the Framework Research and Development Programme of the European Union for projects including NEWGOV and EURO-MARKET, Federal Scientific Policy and the French Community in Belgium). Their outcome was included in numerous publications of reputable publishers (e.g. Lexington, Edward Elgar, Kluwer Academic Publishers, Peter Lang) and in international magazines (e.g. *Journal of Public Policy*, *West European Politics*, or *European Journal of Political Research*).

As far as education is concerned,

the AURAP is in charge of the management of the master's programme in public administration in Leuven and is therefore a member of the *European Master of Public Administration Consortium (EMPA)*, which brings together in a network of excellence the universities of Leuven, Geneva, Liverpool, Vaasa, Tallinn, Budapest (Corvinus), Rotterdam (Erasmus), Leiden as well as Deutsche Hochschule für Verwaltungswissenschaften Speyer, Bocconi University and Paris Institute of Political Studies.

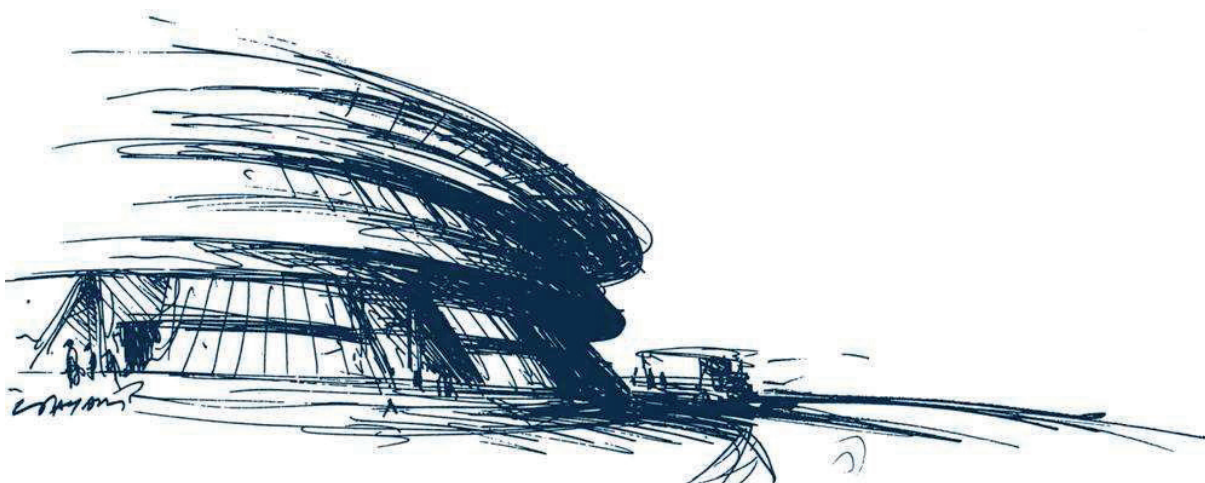
The AURAP is also involved in continuing education of federal and community civil servants and is available to the public authorities for expertise relevant to its scope of competence.

Any additional information on the AURAP, its members, lecturers, research and publications is available on <http://www.uclouvain.be/aurap> or via email: christian.devisscher@uclouvain.be or david.aubin@uclouvain.be.

La SELI est une société d'économie mixte en service de l'**Agglomération de Limoges et du Limousin**.

En vue du développement économique de sa Région, la SELI réalise des opérations d'aménagement, de renouvellement urbain et des programmes immobiliers d'activités et de logements.

Forte de l'appui du **Groupe de la Caisse des Dépôts et Consignations**, elle bénéficie de son savoir-faire dans les domaines juridiques, techniques et financiers.



De par ses **relations privilégiées avec les Collectivités Locales**, la SELI garantit aux donneurs d'ordre publics la maîtrise des opérations d'aménagement dans la conduite de leur politique à moyen et long terme.

Une réelle souplesse d'intervention dans le respect des règles de la gestion privée sous le contrôle d'instances publiques renforce la sécurité de ses interventions en lui permettant une capacité de réponse rapide et adaptée.

Un ancrage territorial reconnu fait de la SELI la cheville ouvrière du partenariat entre les acteurs publics et privés dont la coopération est indispensable à toute action de développement économique.

Voir plus loin



Accompagner les collectivités et institutions et leur proposer chaque jour les moyens de concrétiser leurs politiques publiques.

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Depuis sa création, le Groupe Chèque Déjeuner est le partenaire privilégié de nombreuses collectivités.

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