

Working Group V

Working document 21

Working group V « Complementary Competencies »

Subject : Proposal by Mr. Gérard Druesne, transmitted by Mr. Henning
CHRISTOPHERSEN, on a new article on Public administration

**PROPOSAL FOR A NEW ARTICLE ON
PUBLIC ADMINISTRATION**

(draft text - 25 July 2002)

Justification

1. *Public administration and good governance - issues of common concern for the European Union*

The European Community has no powers regarding the basic organisation and principles of public administrations, which remain firmly in the competence of the Member States in accordance with the principle of subsidiarity. The new article proposed does not aim to create any such powers. Its objective is to create a framework within which to implement common programmes to address issues of common concern regarding the capacities of public administrations in the EU.

There is a direct practical dimension to this concern. Increasing interdependence between Member States has been accompanied by increasing mutual dependence between public administrations for **implementation of Community policies**. In this sense the capacities of one are the concern of all. This dimension will be all the more important in the context of enlargement. Public administrations in candidate countries are working to ensure that they will have the capacity needed to fulfil their obligations and to participate effectively; continued support may be requested. Moreover, effective management of policies in the new conditions of the enlarged Union will create new pressures on administrations in both new and existing Member States.

Yet the need for a common approach goes beyond policy implementation. This common concern over practical capacities should be placed in the perspective of the common principles which are a prerequisite for **good governance**. These include the basic principles of democracy stated in Article 6 of the Treaty on European Union and the provisions of the Charter of Fundamental Rights concerning the "Right to good administration", as extended to the Member States, as well as the general principles of good governance identified in the Commission's White Paper on Governance. Moreover, given the multiple links and networks which characterise Europe, the enhancement of

good governance in the Union can no longer be assured by any one state in isolation, or at any one level alone. A global approach is needed involving all levels and all actors.

Finally, it has increasingly been recognised by the Member States that quality public administration is an essential element for achievement of the strategic goals which the Union has set itself in the context of the *Lisbon strategy*. The Feira Conclusions of June 2000 (point 31) stressed "the role of public administrations, administrative action and better regulation in enhancing the competitiveness of the Union and of the Member States, thus contributing to economic growth and employment opportunities. The European Council encourages Member States to review the quality and performance of public administration with a view to the definition of a European system of benchmarking and best practices." Likewise the Barcelona Conclusions of March 2002 (point 18) have reaffirmed "the importance for the economic and social development of the Union of improving the quality of public administrations."

2. *Aims and scope of the Community action envisaged*

Cooperation between public administrations across the EU is already an established principle and an integral part of the integration process. Regular informal meetings of Ministers and Directors-General of Public Administration have been taking place for many years. A growing network has emerged aiming at the exchange of information, experience and good practice as well as to joint initiatives and projects. Within the Community framework, several programmes have specifically addressed administrative cooperation, financed by the Community budget and based on various Treaty provisions.

Administrative cooperation on informal grounds or through individual Community actions has proven to be highly conducive to achieving both a better functioning of the internal market and a more effective implementation of EU policies. It has also contributed to the spread of ideas and good practices and to supporting administrative modernisation and initiatives to improve the quality of public administration and public service delivery. To date, however, all these activities have been conducted without a sound and explicit legal basis.

The aim of the proposed article is to provide a formal framework for Community actions aiming at further strengthening cooperation between and mobility among public administrations across the EU, and at stimulating exchanges and common activities on issues of common concern in the field of public administration, including common training and development activities. At the same time, the proposed article aims at making such actions more sustainable and enduring, as well as more transparent and public.

Article

1. The European Institutions and the Member States shall consider the quality of public administration and regulation in the Union as matters of common concern.
2. In pursuing the objectives of the Community, Member States shall ensure that their administrations have the required capacity and quality to implement decisions taken in accordance with the provisions in this Treaty.
3. The Community shall contribute to the enhancement of good administration by encouraging cooperation between Member States and, if necessary, by supporting and supplementing their action, while fully respecting the diversity of administrative traditions and the responsibility of the Member States for the essential characteristics and principles of their public services.
4. Community action shall be aimed at:
 - stimulating exchanges of information and experience on issues of common concern, including initiatives to strengthen openness and citizen participation;
 - promoting programmes facilitating exchanges of public employees between Member States and between the Member States and the European Institutions;
 - supporting common training and development programmes.
5. *[decision-making procedure - to be defined, taking into account other Treaty changes which may be proposed concerning procedures]*