



# eipascope

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Centre



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Prize

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# About EIPASCOPE

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EIPASCOPE is the Bulletin of the European Institute of Public Administration and is published three times a year. The articles in EIPASCOPE are written by EIPA faculty members and associate members and are directly related to the Institute's fields of work. Through its Bulletin, the Institute aims to increase public awareness of current European issues and to provide information about the work carried out at the Institute. Most of the contributions are of a general character and are intended to make issues of common interest accessible to the general public. Their objective is to present, discuss and analyze policy and institutional developments, legal issues and administrative questions that shape the process of European integration.

In addition to articles, EIPASCOPE keeps its audience informed about the activities EIPA organizes and in particular about its open seminars and conferences, for which any interested person can register. Information about EIPA's activities carried out under contract (usually with EU institutions or the public administrations of the Member States) is also provided in order to give an overview of the subject areas in which EIPA is working and indicate the possibilities on offer for tailor-made programmes.

Institutional information is given on members of the Board of Governors as well as on changes, including those relating to staff members, at EIPA Maastricht, Luxembourg, Barcelona, Milan and Warsaw.

The full text of current and back issues of EIPASCOPE is also available on line. It can be found at: <http://www.eipa.eu>

## EIPASCOPE dans les grandes lignes

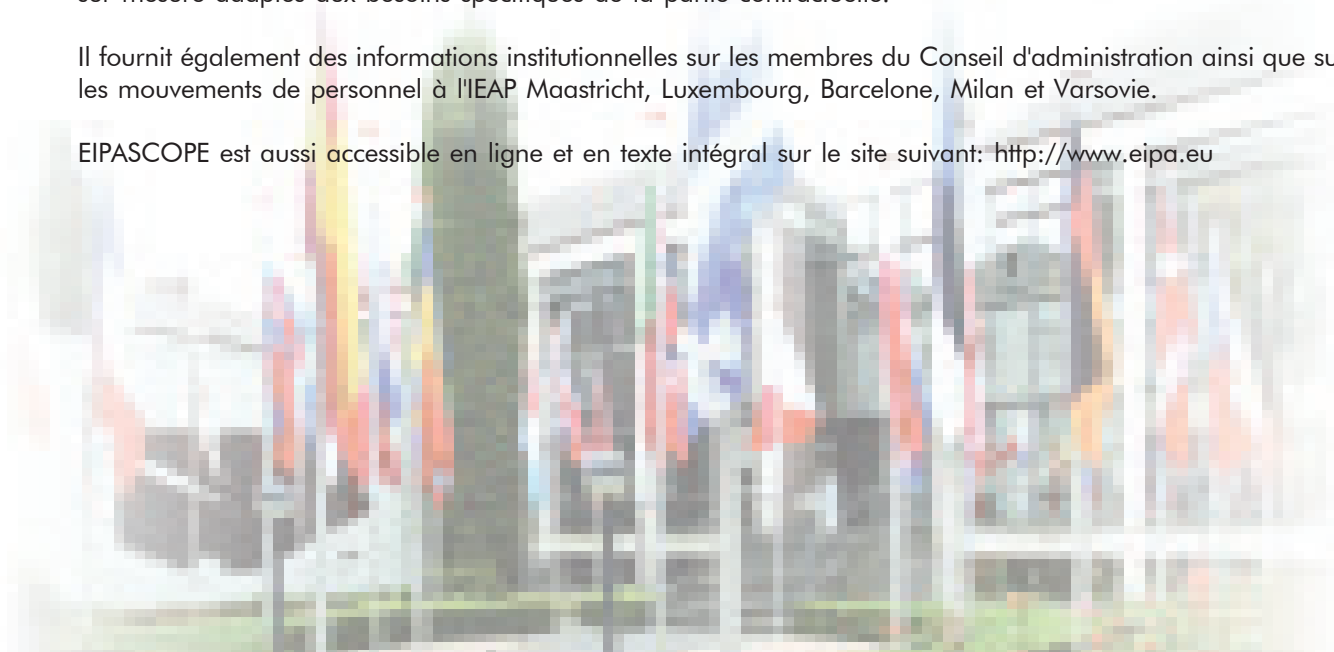
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EIPASCOPE est le Bulletin de l'Institut européen d'administration publique et est publié trois fois par an. Les articles publiés dans EIPASCOPE sont rédigés par les membres de la faculté de l'IEAP ou des membres associés et portent directement sur les domaines de travail de l'IEAP. A travers son Bulletin, l'Institut entend sensibiliser le public aux questions européennes d'actualité et lui fournir des informations sur les activités réalisées à l'Institut. La plupart des articles sont de nature générale et visent à rendre des questions d'intérêt commun accessibles pour le grand public. Leur objectif est de présenter, discuter et analyser des développements politiques et institutionnels, ainsi que des questions juridiques et administratives qui façonnent le processus d'intégration européenne.

En dehors des articles, EIPASCOPE contient également des informations sur les activités organisées par l'IEAP et, plus particulièrement, ses séminaires et conférences ouverts qui sont accessibles à toute personne intéressée. Notre bulletin fournit aussi des renseignements sur les activités de l'IEAP qui sont réalisées dans le cadre d'un contrat (généralement avec les institutions de l'UE ou les administrations publiques des Etats membres) afin de donner un aperçu des domaines d'activité de l'IEAP et des possibilités qu'il offre pour la réalisation de programmes sur mesure adaptés aux besoins spécifiques de la partie contractuelle.

Il fournit également des informations institutionnelles sur les membres du Conseil d'administration ainsi que sur les mouvements de personnel à l'IEAP Maastricht, Luxembourg, Barcelone, Milan et Varsovie.

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# Nouvelle antenne de l'IEAP à Varsovie / New EIPA Antenna in Warsaw



Par/by Prof. Dr Gérard Druesne\*

Établi à Maastricht, l'IEAP n'a certainement pas pour vocation d'ouvrir des "succursales" dans chaque Etat membre de l'Union européenne. Lorsque la création d'une Antenne est décidée par le Conseil d'administration, c'est toujours sur proposition d'un gouvernement, qui souhaite qu'une composante de l'Institut soit établie sur son territoire, et en considération d'un domaine de spécialisation bien déterminé, l'objectif premier étant de permettre à l'IEAP d'élargir son offre de formation sur la scène européenne à des secteurs dans lesquels il a été jusque-là peu actif. L'Antenne de Luxembourg a ainsi été créée en 1992 pour "couvrir" le droit communautaire, celle de Barcelone en 1996 de manière à prendre en compte la dimension infra-étatique, ou si l'on préfère régionale/locale, du processus de construction communautaire, et celle de Milan en 2002 afin de développer des activités en matière d'affaires sociales et de santé publique.

L'élargissement de l'Union européenne en 2004 a quelque peu changé la problématique, en ce sens que sans naturellement renoncer à l'exigence de spécialisation thématique, les représentants des gouvernements réunis au sein du Conseil d'administration ont considéré qu'il serait souhaitable et opportun d'envisager l'établissement d'une Antenne dans l'un des nouveaux Etats membres. Et l'offre du gouvernement polonais est venue à point nommé, de la part du pays qui est, en termes de superficie et de population, le plus important des nouveaux membres, et dont la tradition administrative est solidement ancrée dans les racines de la société européenne.

Après négociation avec les autorités polonaises, notamment l'Office de la Fonction publique qui a véritablement été le porteur du projet et l'artisan de son aboutissement, c'est finalement le domaine de la gestion financière qui a été retenu. Le Conseil d'administration a ainsi décidé en décembre 2005 la création à Varsovie du Centre européen de gestion financière publique, et c'est en mars 2006 que j'ai eu l'honneur, au nom de l'IEAP, de signer l'accord constitutif avec M. Jan Pastwa, chef de la Fonction publique et représentant du gouvernement polonais, et Mme Maria Gintowt-Jankowicz, directrice de l'Ecole nationale d'administration publique de Pologne (KSAP), puisque c'est dans une aile du bâtiment où cette dernière est établie, dans le centre de Varsovie, que l'Antenne de l'IEAP est localisée. Elle a formellement

Established in Maastricht, EIPA certainly had no intention to open "branches" in each EU Member State. Whenever the Board decided to create an Antenna, this was always further to a proposal from a government wanting a component of the Institute on its territory that would focus on one clearly defined field of specialisation, the prime objective being to enable EIPA to extend its training on the European scene to sectors where it had so far been less active. The Luxembourg Antenna was thus created in 1992 to "cover" Community law, the Barcelona Antenna in 1996 to concentrate on the sub-state, or regional/local, dimension of the European integration process, and the Antenna in Milan in 2002 to develop activities in the field of social affairs and public health care.

The enlargement of the European Union in 2004 slightly changed this in that, without of course abandoning the requirement of a special theme, the representatives of the governments gathered in the Board of Governors thought it was a good idea and the right time to think about establishing an Antenna in one of the new Member States. The offer of the Polish government, came at the right moment: in terms of surface area and population, Poland is the biggest of the new Member States and has an administrative tradition that is firmly anchored in European society.

After negotiations with the Polish authorities – particularly the Civil Service Office, which has been the real promoter of the project and the architect of its success – financial management was finally chosen as field of specialisation. The Board of Governors then decided, in December 2005, to create the European Centre for Public Financial Management in Warsaw, and in March 2006 I had the honour, on behalf of EIPA, to sign the agreement establishing the centre with Mr Jan Pastwa, Head of the Public Service and representative of the Polish government, and Mrs Maria Gintowt-Jankowicz, Director of the National School of Public Administration of Poland (KSAP); the new EIPA Antenna is located in one of the wings of the building occupied by the latter, in the city centre of Warsaw. It officially started its activities on 1 September 2006, and at the suggestion of the Polish government I appointed Mr Slawomir Zalobka, until then Director-General at the Minister of Finance, as its Director.

The Centre's mission is to organise seminars for civil





Photo prise à l'occasion de la signature à Varsovie le 30 mars 2006 de l'accord entre le Gouvernement de la République de Pologne, représenté par **M. Jan Pastwa**, Chef de la Fonction publique, l'École nationale d'administration publique (KSAP), représentée par sa Directrice, **Mme Maria Gintowt-Jankowicz**, et l'IEAP, représenté par son Directeur général, **Prof. Dr Gérard Druesne**.

Photograph taken on the occasion of the signing, in Warsaw on 30 March 2006, of the agreement between the Government of the Republic of Poland, represented by **Mr Jan Pastwa**, Head of the Civil Service, the National School of Public Administration (KSAP), represented by its Director, **Mrs Maria Gintowt-Jankowicz**, and EIPA, represented by its Director-General **Prof. Dr Gérard Druesne**.

commencé ses activités au 1<sup>er</sup> septembre 2006, et sur proposition du gouvernement polonais j'ai nommé son directeur en la personne de M. Slawomir Zalobka, jusqu'à directeur général au Ministère des Finances.

La mission du Centre est d'organiser des séminaires au bénéfice des fonctionnaires aussi bien que des professionnels du secteur privé, en provenance de l'ensemble des Etats membres de l'Union européenne, des pays candidats à l'adhésion et de ceux appelés à le devenir, mais aussi des pays voisins de la Pologne à l'est de l'Europe (Biélorussie, Moldavie, Ukraine), ainsi naturellement que les ressortissants polonais eux-mêmes.

Le thème de la gestion financière publique sera décliné en trois domaines:

- La procédure budgétaire tout d'abord, telle qu'elle est mise en œuvre dans les différents Etats membres, tant cette dimension d'analyse comparative est essentielle pour faciliter la compréhension mutuelle et permettre la coopération entre les pays européens, en dépit de leurs divergences et des disparités existant dans leur organisation administrative.
- La fiscalité sera au cœur des activités, avec notamment des éclairages sur les grands équilibres observés dans les différents pays: entre impôts et contributions sociales, entre impôts directs et indirects, entre fiscalité de l'Etat et fiscalité régionale/locale. Des séminaires seront aussi proposés – la liste n'est évidemment pas exhaustive – portant sur la sixième directive communautaire relative à la TVA, sur la législation européenne en matière d'impôts indirects ou celle régissant la fiscalité de l'épargne, ou encore sur la coopération administrative entre Etats membres (y compris les accords fiscaux bilatéraux).

servants as well as private sector professionals from all EU Member States, candidate countries and potential candidate countries, but also from Poland's neighbouring countries in Eastern Europe (Belarus, Moldavia, Ukraine), and of course the Polish nationals themselves.

The topic of public financial management will cover three areas:

- First of all budgetary procedures as implemented in the different Member States, since comparative analysis is essential to facilitating mutual understanding and enabling cooperation between European countries, in spite of their differences and disparities in their administrative organisation.
- Taxation will be at the heart of the activities. In this context, for instance, the major balances observed within the different countries will be addressed: between tax and social contributions, between direct and indirect taxes, and between national taxes and local/regional taxation. Seminars will also be organised – of course this list is not exhaustive – on the Sixth VAT Directive, European legislation on indirect taxes and on savings tax, and on administrative cooperation between Member States (including bilateral tax agreements).
- The third area will concentrate on different types of control, both accounting and the question of reliability of data, auditing, and actual financial management (including control of policies and risk assessment).

Though the financial specialisation of the Antenna was thus clearly defined, the Polish government also indicated that it wanted to let interested countries benefit from the rich experience it acquired over the past years during the procedure of Poland's accession to the European Union.

- Le troisième volet sera consacré aux différentes formes de contrôle, à la fois la comptabilité et la question de la fiabilité des données, l'audit, et la gestion financière proprement dite (y compris le contrôle des politiques et l'évaluation des risques).

Si la spécialisation financière de l'Antenne est ainsi clairement définie, le gouvernement polonais a aussi exprimé le souhait de faire profiter les pays intéressés de la riche expérience qu'il a acquise au cours des années passées, au titre de la procédure d'adhésion de la Pologne à l'Union européenne. L'Antenne organisera donc également des séminaires à l'intention des pays candidats ou potentiellement candidats à l'adhésion, portant sur l'adaptation des administrations publiques aux exigences et standards européens.

Si l'Antenne polonaise devait incontestablement être implantée à Varsovie, pour des raisons d'accessibilité de participants en provenance de toute l'Europe et en raison de la nécessaire proximité – tant géographique qu'intellectuelle et managériale – avec l'École nationale d'administration publique, l'IEAP n'oublie certainement pas les liens qui l'unissent à la Fondation pour les études européennes de Lodz et la longue et fructueuse coopération réalisée avec elle, où de nombreux séminaires ont été organisés au bénéfice des administrations polonaises.

Je souhaite maintenir ce partenariat, en particulier en proposant à la Fondation que l'Antenne de Varsovie organise à Lodz un certain nombre d'activités – les autorités polonaises en sont d'accord – par exemple celles destinées aux fonctionnaires des pays voisins de la Pologne.

La création d'une nouvelle Antenne de l'IEAP est à coup sûr un pari sur l'avenir. La thématique choisie est-elle la meilleure par rapport aux besoins de formation des administrations en Europe? Le pays d'implantation sera-t-il suffisamment attractif pour que l'Antenne devienne rapidement un centre de référence à l'échelle européenne? Autant de questions auxquelles il ne sera évidemment possible de répondre qu'après quelques années de fonctionnement. L'Antenne est donc créée pour trois ans, jusqu'au 31 août 2009, date à laquelle le Conseil d'administration devra avoir décidé, après une évaluation objective de ses activités, soit d'en confirmer l'existence, soit au contraire de mettre un terme à l'expérience s'il est établi qu'elle n'a pas répondu aux attentes, un examen à mi-parcours devant avoir lieu en 2008. Mais la détermination du gouvernement polonais, tant l'Office de la Fonction publique que la Chancellerie du Premier Ministre et le Ministère des Finances, ainsi que la disponibilité et la bienveillance de la KSAP, ne peuvent qu'inciter à l'optimisme. ::

The Antenna will therefore also organise seminars for candidate countries and potential candidate countries about the adaptation of public administrations to European requirements and standards.

There was no doubt that the Polish Antenna had to be established in Warsaw, for reasons of accessibility for participants from all over Europe and because of the necessary – both geographical and intellectual and managerial – proximity to the National School of Public Administration. However, EIPA has of course not forgotten the links that bind it to the Foundation for European Studies in Lodz and the long and fruitful cooperation with this institution, where many seminars have been organised for Polish administrations.

I would like to maintain this partnership, particularly by proposing to the Foundation that the Warsaw Antenna should organise some activities in Lodz – the Polish authorities have already agreed – e.g. for officials from Poland's neighbouring countries.

The creation of a new EIPA Antenna definitely involves a degree of speculation. Is the selected area of specialisation the best one considering the training needs of administrations in Europe? Will the hosting country be attractive enough for the Antenna to quickly become a centre of reference at European level? Many of such questions can of course only be answered after a few years of operation. The Antenna has therefore been created for an initial period of three years, until 31 August 2009, when the Board will have to decide, after an objective evaluation of the Antenna's activities, either to confirm its existence or to end the experiment if the Antenna appears not to have lived up to the expectations; a mid-term review to this end will have to take place in 2008. However, the determination of the Polish government, both the Civil Service Office, the Chancellery of the Prime Minister and the Ministry of Finance, as well as the availability and benevolence of the KSAP, only gives us grounds for optimism. ::



Bâtiment abritant les locaux du Centre européen de gestion financière publique, l'Antenne de l'IEAP à Varsovie.  
Building housing the offices of the European Centre for Public Financial Management, EIPA's Antenna in Warsaw.

## NOTE

- \* Directeur général de l'IEAP/Director-General of EIPA.

# Upcoming Events February-March 2007

more details at: <http://www.eipa.eu>

LOCATION	PROJECT NO.
<b>MAASTRICHT</b>	
8-9 February 2007 Seminar: Europees Milieu- en Waterbeleid en de Nederlandse Provincies	0720701
22-23 February 2007 Seminar: Understanding Decision-Making in the European Union: Principles, Procedures and Practice	0712201
22-23 February 2007 Seminar: The Presidency Challenge – The Practicalities of Chairing Council Working Groups	0713301
26 February-1 March 2007 Introductory and Practitioners Seminar: European Public Procurement Rules, Policy and Practice (on 26 February 2007) prior to the seminar EIPA will provide a basic introduction to European Public Procurement for newcomers to procurement or non-procurement persons)	0730801
1-2 March 2007 Interactive Workshop: How to Communicate Europe Effectively	0720101
12-14 March 2007 Séminaire: Comités et comitologie dans le processus politique de la Communauté européenne	0710003
15-16 March 2007 Seminar: Financial Services and Competition Issues in the European Union	0732601
19-30 March 2007 Master and Individual Courses in European Integration and Regionalism (MEIR) – Module IV: Regional and Social Cohesion	0762001
22-23 March 2007 Seminar: Evaluation and Monitoring of EU Structural Funds.	0730201
26-27 March 2007 European Information and Communication Management – Europe on the Internet – Finding your Way through the European Information Jungle	0711001
29-30 March 2007 Seminar: State Aid Policy and Practice in the European Community – An Integrative and Interactive Approach	0731201
<b>MILAN</b>	
1-2 February 2007 International Seminar: Portability of Pension Rights and Coordination of Social Policy Systems	0772601
8-9 February 2007 Seminar: Preparing the European Social Fund (ESF) 2007-2013: New Priorities for Employment and Skills	0770301
<b>LUXEMBOURG</b>	
1-2 March 2007 Seminar: The EU Regime on Consumer Safety	0751501
8-9 March 2007 Seminar: Latest Developments in European Family and Succession Law	0750501
19-21 March 2007 Seminar: Pleading before the European Court of Justice and the Court of First Instance	0752201
<b>BRUSSELS</b>	
20-22 March 2007 Seminar: European Negotiations I, Techniques to Manage Procedures, People and Package Deals to Survive in European Negotiations	0710901

# The 2006 Reform of Comitology: *Problem Solved or Dispute Postponed?*



By **Thomas Christiansen** and **Beatrice Vaccari**<sup>1</sup>

The issue of parliamentary scrutiny of comitology – the system of implementation committees that control the Commission in the execution of delegated powers – has been contested for some time by the political forces involved. The European Parliament in particular has become increasingly dissatisfied with the exclusive arrangement for Member State representatives controlling the Commission. Because of the changes to the legislative process brought about by co-decision, the EP has demanded greater involvement in the process. The Comitology Decisions of 1987 and 1999, and the inter-institutional agreements that have been concluded around them, addressed these concerns in various ways, but they appear not to have settled the matter conclusively. Hence, the continued pressure for reform that led to a Council Decision in the summer of 2006 amending the 1999 Decision. This article seeks to illuminate the background to the way in which this Decision has come about, provides the details of its main provisions and assesses the extent to which this most recent reform of the system can be seen as a solution to the problem that has dogged comitology for the past decade.

## **Introduction**

Comitology is a never-ending story. From its obscure beginnings in the undergrowth of the Common Agricultural Policy of the 1960s, it has grown to become one of the hallmarks of the EU administrative system. Community legislation frequently relies on the delegation of power to the European Commission and Member States have therefore expanded the supervisory mechanism involving implementation committees that the Commission needs to consult before adopting implementing measures – the comitology system. In the inter-institutional relations of the EU the comitology system has always veered between being a solution to problems, and being a problem in its own right. It facilitates more efficient legislation because the delegation of implementing acts to the Commission allows the legislator to concentrate on setting the essential rules, leaving technical details to the experts in the Commission and in the implementing committees. But it has become also a problem because, as the system has grown, it has become more complex and lacks transparency. Given that the members of the implementing committees control the

Commission, one may ask who controls these controllers?<sup>2</sup> As the system has grown to over 250 committees, and the Union has expanded to 25 Member States, the number of public officials has risen to around 7,000 and some, the EP in particular, have commented that such a system setting authoritative rules with direct relevance for citizens needs to be open to scrutiny by Parliament, if not by the public in general.

Despite earlier debates about the potential for “renationalisation” of Community competences through comitology, the supranational-intergovernmental divide has, perhaps surprisingly, not been the main bone of contention. Instead, it has been this issue of public and, by extension, parliamentary scrutiny that has been contested by the political forces involved. Essentially, the European Parliament has become increasingly dissatisfied with the compromise between Commission and Council (Member State representatives controlling the Commission’s delegated powers) that is at the heart of comitology. In the eyes of the EP, the delegation of implementing powers to the Commission was legitimate in the pre-Maastricht era when the Member States in the Council had the last word



on legislative acts. However, the onset of co-decision changed this fundamentally, and since then the EP has demanded a greater degree of oversight over the whole process. The Comitology Decisions of 1987 and 1999, and the inter-institutional agreements that have been concluded around them, addressed these concerns in various ways, but they appear not to have settled the matter conclusively. Hence, the continued pressure for reform that has led to a Council Decision in the summer of 2006 amending the 1999 Decision. This article seeks to illuminate the background to the way in which this Decision came about, provides the details of its main provisions and assesses the extent to which this most recent reform of the system can be seen as a solution to the problem that has dogged comitology for the past decade.

### **Background: The historical evolution of comitology**

The origins and early development of comitology are by now well documented and do not need to be revisited in great detail here.<sup>3</sup> Suffice it to say that the genesis of comitology in the 1960s was closely tied to the search for an ad hoc solution to the difficulty of regulating the economic and social life of the Community by relying exclusively on legislation. The need to address changing economic and social circumstances quickly led Community legislators to a course of action that is well-known at the domestic level: the delegation of implementing powers to the executive. In the absence of treaty reform – a far-fetched idea in the 1960s – and faced with increasing difficulties in the legislative process (the “Empty Chair” crisis and Luxembourg compromise), delegating implementing powers for routine measures to the Commission was an attractive solution, but required a degree of administrative innovation: implementing powers were delegated to the Commission, but also the supervision of the Commission’s use of these powers through committees composed of Member State representatives was spelt out in each individual legislative act.

This was a development that satisfied both the search for greater efficiency and the desire by Member States to maintain a degree of control over the process. Even though it occurred outside the letter of the Rome Treaties, the European Court of Justice was satisfied when comitology was for the first time tested in the Courts: comitology committees did not upset the institutional balance of the Community as they were only tasked with providing opinions rather than actually taking decisions. And the separation between executive and legislative powers was maintained, as only decisions about non-essential elements of the legislation were delegated to the Commission. The rights

and duties of the legislator were not infringed through delegation and comitology.<sup>4</sup>

It was on this basis that comitology then developed rapidly through the 1970s and 1980s. What was initially a limited solution to deal with the problems concerning the implementation of the CAP, quickly became a success story in many sectors of Community policy making: before long, many other areas of legislation such as environment policy, consumer protection, transport, energy or single market regulation also involved delegation of power and the arrival of comitology committees. Indeed, the growth of comitology was such that it became an issue as soon as the treaties were reformed for the first time with the Single European Act. The reformulation of Article 145 [now Article 202] took account of the fact that delegation of power had become a standard feature of Community legislation, and that a “system of control” was necessary. The subsequent 1987 Decision provided, for the first time, a range of systematic procedures which the Commission would have to follow in consulting implementing committees. This ex post formalisation of the comitology system was not without challenges, however. The seven procedures provided by the 1987 Decision were rather cumbersome; there was no guidance as to which procedure should be applied in which case. Additionally, the role of the EP as an emerging co-legislator was entirely unrecognised. This shortcoming in particular dominated the interaction between the European institutions in the subsequent decade. With the arrival of co-decision with the Maastricht Treaty, the stage was set for a

series of inter-institutional struggles that caused a lot of instability in the system and ultimately led to the 1999 reform of comitology.

The 1999 Decision<sup>5</sup> was a milestone in the evolution of comitology and remains the legislative base for the procedures governing the relationship between Commission and implementing committees. Reducing the number of procedures from seven (under the 1987 Decision) to three (advisory, management and regulatory), the Decision also introduced criteria accor-

ding to which the legislator chooses which of these procedures should be applied in which case. This idea of giving instructions to the legislative institutions about the way in which legislation should be written has led analysts to describe the 1999 Decision as a piece of “meta-legislation” situated below the treaties but somehow above “normal” legislation. There were further provisions in the 1999 Decision concerning the creation of rules of procedure for committees, an obligation of annual reporting by the Commission and, crucially, the introduction of legal rights of the European Parliament vis-à-vis comitology. As mentioned above, it had been the pressure from the EP that had been driving the push for reform in the first place.

The main question asked by the European Parliament

**Comitology developed rapidly through the 1970s and 1980s. What was initially a limited solution to deal with the problems concerning the implementation of the CAP, quickly became a success story in many sectors of Community policy making.**

was: If Council and Parliament are equals in the adoption of co-decided legislation, and if such legislation delegates implementing powers to the Commission, and if the legislator considers a control over these powers through comitology committees necessary, then how is it legitimate to exclude the EP from this supervisory function? The response from Commission and Council to this far-reaching challenge was initially half-hearted and limited: a series of inter-institutional agreements followed, as well as the 1999 Decision which provided the EP with certain rights to information and an advisory function to scrutinise the scope of implementing measures. However, these reforms did not provide the Parliament with the substantive powers to actually oppose or influence the adoption of Commission implementing measures – a state of affairs that was soon to bring the issue back onto the reform agenda.

The 1999 Decision had briefly settled the argument at the end of the 1990s. It took several years to implement, given the time needed to compile the first lists of all comitology committees, and to draft and adopt the required “alignment regulations”, as well as to apply the new procedures backwards to the existing *acquis*, and to introduce rules of procedure to all comitology committees. It also took time for the EP to get to grips with its newly found powers

and issue opinions on the basis of its scrutiny rights. The first real use of the new scrutiny rights came in 2000,<sup>6</sup> producing a response from the Commission – a belated addition of a new recital to the act in question<sup>7</sup> – that was also rather unconventional. In the first five years of the new comitology Decision being in force, the EP passed a total of six resolutions with reference to comitology. This is a more than modest number considering the more than 10,000 implementing measures that had passed through comitology under co-decision in this period. What is evident from these cases is the tendency of the Parliament to use such instances of scope control in comitology as an opportunity to also make statements on the political issues surrounding these cases. In other words, rather than limiting itself to the purely procedural power of scrutiny, the EP will also engage with the political substance of the measures proposed by the Commission.<sup>8</sup>

The EP’s use of its scrutiny rights was also somewhat uneven, with some EP committees (e.g. Environment and Consumer Affairs) being much more active than others in initiating resolutions under the scope control provided by Article 8 of the 1999 Decision. On the whole it seems fair to say that the EP has been selective in making use of its scrutiny rights specifically in areas in which it also has a political interest in voicing its opinion, rather than systematically scrutinising all incoming implementing measures transmitted to it by the Commission.

However, as the EP became more experienced in applying its new, albeit limited, powers under the 1999 Decision, the continued shortcomings of this system also became more evident. One bone of contention had been

the actual practicality of “document transmission” from Commission to Parliament. Since the launch of the Comitology Register<sup>9</sup> – a website on the Europa Server facilitating public access to all documents that need to be made available to the EP – the Commission has relied on that register as the mechanism of transmission. The EP, on the other hand, demanded a continued direct transfer of the documents to its own services in addition to publication in the register.

What really brought things to a head in 2005 was an investigation by the EP into possible non-transmission of documents from the Commission that would ordinarily have to be transmitted under the terms of the 1999 Decision. Referring to its own findings that in several cases the documents had not been transmitted on time, or indeed not at all, the EP addressed this point in a formal question

to the Commission. The Commission in turn then had to investigate the matter and had to report to the EP the fact that indeed in some 50 cases the required documents had not been made available to the EP in time, thus depriving it of its legally enshrined right to scrutiny.<sup>10</sup> It was a rather embarrassing admission on the part of the Commission, forcing a public apology from the Commissioner responsible and reinforcing the Parlia-

ment’s demand for further improvements of its status *vis-à-vis* comitology. Indeed, these difficulties occurred against the background of several long-term reform projects, both at the level of legislation and at the level of treaty reform. In order to fully understand the 2006 reform we need to briefly look at these developments that occurred against the background of the long-standing inter-institutional tensions described above.

### **The road to reform: Constitutional Treaty, Lamfalussy Process and Commission proposal**

The avenue of fundamentally reforming the system of delegated powers, implementing committees and parliamentary scrutiny through treaty reform had been opened up by the launch of the Convention on the Future of Europe and the subsequent Intergovernmental Conference (IGC) which negotiated the Constitutional Treaty. Obviously, parliamentary influence was significant in the European Convention which was mainly composed of MPs and MEPs and, even though the IGC made some changes to the provisions contained in the Draft Treaty, most of them were part of the final treaty that was signed by the Heads of State or Government in October 2004.

As far as comitology was concerned, the Constitutional Treaty contained a number of important and interesting innovations. The first of these was a new nomenclature for legal acts which made a distinction between, on the one hand legislative acts – re-named “laws” and “framework laws”, which would replace current regulations and directives

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– and on the other hand so-called “non-legislative acts”.<sup>11</sup> Among the latter there would be, for the first time, designated instruments for implementing Community legislation. While the Constitutional Treaty contains the usual provision for adopting implementing acts through the conventional method via comitology committees, there is also the creation of a novel instrument called “Delegated European Regulation” (Article I-36). This Delegated Regulation would allow the Commission to implement legislation without necessarily going through comitology committees. Instead, a number of other control mechanisms were foreseen: first, the delegation of powers to the Commission might be limited in time (using a so-called sunset clause) and could be withdrawn at the initiative of other legislative institution; and second, if and when the Commission intended to adopt such a Delegated Regulation, EP and Council could object to the adoption within a prescribed time-limit. Had the Constitutional Treaty been ratified as intended, further legislation and/or a revision of internal rules of procedure would probably have been required to spell out precisely how this new instrument would have been used. It is also fair to say that both Council and EP would have had to set up some committee mechanism of their own in order to check draft implementing acts from the Commission, and indeed the Commission would probably want to have a forum for the systematic exchange of views with national officials and parliamentary representatives. In other words, a less formalised way of interaction between Commission, Member States and EP on implementation could be envisaged in such a new system.

However, considering the failure of ratification of the Constitutional Treaty and the doubts about its future, by the end of 2005 the focus shifted to the adoption of secondary legislation as the way of reforming the comitology system. Before looking at the details of the Commission proposal to this effect, we need to briefly look at another area of legislation which has significantly influenced the reform of comitology: the Lamfalussy Process in the area of financial services regulation.<sup>12</sup> This new way of legislating and implementing financial services regulations followed the recommendations of a group chaired by Baron Lamfalussy, and introduced a more complex consultation procedure for the adoption of implementing acts, which included not only a comitology committee (European Securities Committee), but also a separate expert advisory committee, composed of representatives from national regulatory agencies in this area (the Committee of European Securities Regulators).<sup>13</sup> Another innovation brought about through the Lamfalussy Process was the introduction of “sunset clauses” in the legislation, putting a four-year time-limit on the duration of the delegation of implementing powers to the Commission.<sup>14</sup>

Apart from feeding into the proposed Delegated

European Regulations contained in the Constitutional Treaty, as we have already seen this use of sunset clauses in financial services legislation had another important effect for the reform of comitology: it provided the EP with a powerful leverage to have a say in legislative changes to the comitology system that are, formally, the domain of the Council. When the original Lamfalussy legislation, which had been adopted under co-decision and which delegated powers to the Commission initially for a period of four years, was due for renewal, the EP could – and did – use its required agreement to this renewal as a bargaining chip in order to achieve a greater say in comitology.

Through this and other mechanisms<sup>15</sup> the EP managed, first, to prod the Member States towards a new reform of comitology, and, second, to significantly influence the outcome of this round of reform. The Commission had already, in December 2002, submitted a new legislative proposal to deal with the issue of parliamentary involvement in the control over implementation of co-decided legislation. This proposal had been sent to the Council which, according to the consultation procedure, had submitted it to the EP for

an opinion. However, while the EP passed a broadly favourable resolution based on the Report produced by Richard Corbett,<sup>16</sup> the proposal did not get much attention in the Council. The lack of interest from the Member States can be partly explained by the substance of the proposal which, as we will see, did not exactly favour the Member States. But the main reason for the Member States not engaging with this proposal was the fact that in 2003 and 2004 all eyes had been on the

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negotiation and ratification of the Constitutional Treaty – indeed passing new legislation in the shadow of the major changes that the new treaty promised would not have been very sensible.

Everything then changed when ratification of the Constitutional Treaty ran into problems, and when the EP renewed its pressure on Commission and Council via the Lamfalussy Process. In late 2005, towards the end of the UK Presidency, Coreper set up a Friends of the Presidency Group – a designated working group to prepare the Council response to the Commission proposal of late 2002. With Article 202 being the treaty base of this legislative proposal, Council decisions on this matter required unanimity – another factor that explains why the reform of this system is fraught with such difficulty. And yet, despite the two years of inactivity since the original proposal had been submitted by the Commission, and even though the initial positions among the Member States differed quite considerably from one another, negotiations were intense under the Austrian Presidency and progressed rather swiftly towards the adoption of the decision on the new “regulatory procedure with scrutiny” – technically an amendment of the

original 1999 Decision.<sup>17</sup> What is remarkable – and crucial to the understanding of the nature of the reform – is the way in which a compromise was eventually found: it was the outcome of negotiations between Council and Parliament even though the legislative procedure was formally that of the consultation procedure. As it happens, the negotiations in the Friends of the Presidency Group were shadowed in the EP through the Constitutional Affairs Committee. Under a mandate from the Conference of Presidents, MEPs Joseph Daul and Richard Corbett negotiated on behalf of the Parliament with the Council and the Presidency in particular in order to achieve improvements to the status quo ante. In effect, we had here the use of an informal procedure which somehow approximated to the kind of tripartite meetings which one would normally expect in the co-decision procedure.

### **The 2006 Decision: Finally putting the EP on the map of comitology?**

Turning to the substance of the reform, we should first look at the original Commission proposal.<sup>18</sup> This had been rather brief but still had contained a number of far-reaching changes in the way in which comitology was intended to work in those areas governed by co-decision. In particular, the Commission had proposed to abolish the Management Procedure for implementing measures based on co-decided legislative acts, and had sought to change the regulatory procedure in a rather radical way. In the reformed regulatory procedure, in contrast to the already existing one, the Commission would have to submit draft implementing measures after the comitology committee stage – irrespective of the actual opinion delivered by the committee – to both the Council and the European Parliament. Each institution would scrutinise the proposal after the comitology had given its opinion, and would then have one month (possibly extended by a further month) in order to voice objections. If, at the end of this review, either the Council (by qualified majority) or the EP (by absolute majority) or both objected to the proposed measure, the Commission would have a range of options: to abandon the implementing measure, to propose a new legislative act (accepting that implementation is impossible) or adopt an implementing measure, possibly amended.

It was the word “possibly” in this proposal that became a bone of contention for both the Council and Parliament since it implied the logical possibility of the Commission adopting an implementing measure even after this had been rejected by the regulatory committee, by the Council and by the Parliament – something that was always unlikely to be acceptable to the Member States, and that had also been criticised by the EP in the Corbett Report. The Commission argued that this was the way in which the EP could be given equal rights with the Council without risk to the overall output of the systems. The “possible amendment” provision also provided the Commission with a way of dealing with potentially contradictory objections from the two institutions in a balanced way and thus maintaining greater flexibility.

However, these arguments cut little ice with the Member States and thus, when the comitology reform dossier reappeared on the agenda in late 2005, negotiations quickly shifted away from the original Commission proposal and focused on a number of key issues that proved to be rather intractable. The abolition of the Management

Procedure, for example, which the Commission had proposed, was also opposed by several delegations and it soon became evident that this was not an option. Because of this, the simple two-fold distinction the Commission had envisaged in its proposal – advisory procedure for measures with no legislative impact, and regulatory procedure for those with legislative impact – had to be abandoned. Instead, the negotiations had to confront the need for a definition of a new category of implementing act which could be described as “quasi-legislative” in order to distinguish those measures that would involve substantial scrutiny by the EP from those that would not. In the actual wording of the 2006 Decision these are “measures [implementing co-decided basic acts] of general scope designed to amend non-essential elements [of the basic act] inter alia by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements.” The logic behind this idea was the need to identify those measures on which the EP would have a legitimate reason to share the control function with the Council. Hence the emphasis here on the legislative impact, and the ultimate decision to distinguish between implementing measures with legislative impact (which would therefore require a procedure involving the EP more substantially than in the past), and those without. Once there was an emerging consensus among the national delegations that such a category of implementing acts could be defined – a process in which also the advice from the Legal Service of the Council Secretariat was an important element – the discussion in the working group then shifted to the question of how the EP could be included in the process.

As we mentioned above, the negotiations – among Member States as well as between Council and Parliament – were in the end surprisingly swift and by the summer of 2006 produced an agreement that was based on the recognition of the rights of the EP with regard to such quasi-legislative implementing measures. Part of the “deal” was an explicit quid pro quo between Council agreeing to the introduction of this new regulatory procedure “with scrutiny” by the Parliament and the EP in turn agreeing to a “ceasefire” on sunset clauses which would not only allow the renewal of the delegation of implementing powers to the Commission in the area of Lamfalussy regulations, but would also prevent the use of this instrument in the future. Despite its limitations, which we will discuss below, this outcome is an impressive demonstration of the ability of the EP to informally influence the passage of legislation and indeed expand its “constitutional” powers – something that has been observed on previous occasions.<sup>19</sup>

At the heart of the new Decision is the procedure that needs to be followed in the adoption of quasi-legislative implementing acts. As an addition to the existing procedures, this one is spelt out in a new Article 5a which the 2006 Decision introduces to the existing 1999 Decision. It introduces an intricate mechanism that is significantly more complex than the “old” regulatory procedure which, incidentally, will remain in use for those measures which are deemed not to be quasi-legislative. The addition of a new procedure of such high complexity is somewhat ironic considering that the initial proposal from the Commission was couched in terms of a simplification of the system, and also presented in the context of the effort towards “better regulation” that arose from the White Paper on European Governance. Some of those who will have to work with the



new Article 5a Procedure may have a wry smile at the results of this instance of "simplification".

Rather than trying to present all the steps involved in this procedure, this article intends to identify the key aspects of this reform. In some ways the changes go beyond the text of the adopted Decision as they include undertakings from Commission and Parliament that formed part of the compromise. A summary of the main elements of the deal that was reached at the end of the Austrian Presidency among Council, Commission and European Parliament has to start by emphasising that the basis for the entire reform is the introduction of the above-mentioned distinction between quasi-legislative and non-quasi-legislative implementing measures. Having established this new category of implementing measures, a new "regulatory procedure with scrutiny" has been created for those quasi-legislative acts that arise from co-decided basic acts.

This new procedure is actually quite complex. The Commission submits its draft measures to the comitology committee, as usual. But unlike in the existing regulatory procedure, the Commission has to submit its draft implementing measures to the Committee and to both the Council and the EP, even if it receives a positive opinion from the committee. Both institutions have the possibility to block the adoption of the proposed measure, sending the Commission back to the Committee.

If the Commission initially receives a negative opinion or no opinion from the comitology committee on its draft measure, it needs to submit this to the Council in the first instance. If the Council intends to permit the adoption of the measure, then the measure is also sent to the EP for its opinion. The power of the EP goes beyond the scope control it already had under the "normal" regulatory procedure. Under the new regulatory procedure the EP can object to the adoption of draft measures submitted to it also if it believes that these are not in line with the aims of the basic act, or on the grounds of subsidiarity and proportionality.

Thus, in addition to the power of scrutiny, the EP now has the right to veto the adoption of those measures that are submitted to it under the new procedure. And the EP will in fact receive all draft implementing measures proposed by the Commission under co-decided legislation except in the following case: if a proposed draft measure receives a negative opinion or no opinion from the comitology committee, and is then also rejected by the Council, it does not have to be submitted to the EP. Although this means that there is not complete equality between the two institutions, this clearly is a substantive increase in parliamentary powers compared to the existing rights the EP has had under the 1999 Decision.

Further elements of the reform concern the retrospective application of the new provisions to existing legislative acts which contain delegation of implementing powers that are regarded as falling into the quasi-legislative category. Here

the Commission has undertaken to submit to the Council and EP legislative proposals for the revision of 25 legislative acts that have already been identified as priority cases for the ex post application of the new procedure. Beyond this initial alignment there might be a further screening of the acquis in order to identify those legislative acts that could be adapted to the new procedure in due course.

In return for receiving these additional powers the EP has given an undertaking to refrain from requiring new legislation to feature a time-limit on the duration of the delegation of implementing powers to the Commission. In other words, the EP has agreed to lay down the "weapon" of the sunset clause which had proven to be so effective on the path to this reform. Finally, there will also be a need to conclude a new inter-institutional agreement between the Commission and EP to provide new provisions on transparency, transmission of documents to the EP and introducing a linguistic regime.

At the time of writing, the new procedure had not yet been tested. But the legislative activity has already started, with the Commission preparing the designated 25 acts for revision, with the Commission also having started on the identification of other existing pieces of legislation from the

acquis that will need to be revised in due course, and current legislative proposals now to be considered for the new procedure. It will therefore be only a question of time until new legislation makes use of the "regulatory procedure with scrutiny", and only then will it become clear how these new provisions will operate in practice. What can be said already at this point is that the introduction of this new

## The legislative activity has already started, with the Commission preparing the designated 25 acts for revision and current legislative proposals now to be considered for the new procedure.

procedure is bound to increase the time required for adopting some implementing measures. Although under the "old" regulatory procedure the Council had a maximum of three months to react to the Commission's draft measure, and referrals to the Council were in any case extremely rare, one must expect regular "delays" of between three and five months before the Commission can adopt a measure under the "new" regulatory procedure. This time may be well spent on improvements that the implementing measure receives as a result of the involvement of Council and Parliament. But the increase in the time it takes to adopt implementing acts diminishes the ability of the Commission to react quickly to changing circumstances and on the whole decreases the efficiency of comitology when the new procedure is applied. In some cases, when the basic act demands from the Commission regular implementing acts to be adopted by specific deadlines, there might be serious problems with maintaining such schedules. In other words, the application of the new procedure somewhat reduces the very benefits expected from the delegation of implementing powers to the Commission. In that sense, the new Article 5a is a fairly straightforward example of the well-known trade-off between democracy and efficiency, between input legitimacy and output legitimacy.

### **Concluding remarks: Comitology reform – problem solved or dispute postponed?**

Clearly it is too early for a proper assessment of the way the new procedure will work. We will need to wait for the application of the decision to existing legislative acts, in order to better understand the extent of this reform. Only after that application has begun and new legislative acts have gone through the co-decision procedure, will it become clear how the new category of quasi-legislative acts will be defined. Inter-institutional agreements between the Commission and Parliament will need to be concluded in order to manage the details of document transmission and the use of languages. And, last but not least, we will need to wait and see how the first draft implementing measures fare in the maze of the “regulatory procedure with scrutiny”. In other words it will take months, and probably years, before a reliable picture of the impact of the 2006 Decision will emerge.

All we offer here are some initial thoughts about the issues that may arise in the course of introducing the changes brought about by the reform. The first, and perhaps most important observation we have already made above, is the fact that, rather than providing a simplification of comitology, the reform has significantly increased the complexity of the comitology system – an aspect of the Union that was not famous for its simplicity to start with. From four procedures we have moved to five, or

indeed six if one considers the separate avenues created by positive, negative or no opinion from the comitology committee. If the legislator, as is likely, decides to make frequent use of the new Article 5a procedure, then implementation will take significantly longer and will be harder to follow. Even if insiders and experts understand the nature of the new process, communicating to citizens and businesses how these implementing measures have been arrived at, and who precisely was responsible for them, will be extremely difficult.

There are related problems that might be anticipated concerning the internal arrangements in the Council and Parliament about the way in which each deals with the new system. Neither institution is very experienced when it comes to intervention regarding implementing measures – the Council has had only a few dozen referrals from comitology committees since the 1999 Decision was introduced, and Parliament has only issued a handful of Resolutions under its existing – much lighter – right of scrutiny. It remains to be seen how effective these two legislative institutions will be in establishing the necessary infrastructure to deal systematically with their new role in scrutinising executive measures.

A different set of issues surround the earlier stage of drafting legislation, the point at which the decision will need to be made to choose one or the other regulatory procedure as the way of adopting implementing measures. From what was said above one may expect considerable differences in

the duration and nature of implementation, depending on whether the existing or the new regulatory procedure is being chosen. In the first instance, it has to be acknowledged that the decision which of the two regulatory procedures is to be used is not a free choice, but should of course be governed by the degree of legislative impact that implementing measures can be expected to have. If they have general scope, and if non-essential elements are being amended, then the new procedure should be used. Thus, if implementing measures are not of general scope, the existing, lighter procedure should be used.

In most cases it will probably be clear which procedure is to be used in which case, especially since this choice – in contrast to the application of the criteria spelt out in the 1999 Decision to choose between advisory, management and regulatory procedure – is supposed to be mandatory rather than indicative. However, one can also imagine a grey area of cases where the legislative impact or the scope of the implementing measures will be debatable. In such cases, the 2006 Decision has set the stage for further disagreements and institutional power struggles in the legislative phase. Crucially, the EP will have an inherent interest in defining the quasi-legislative category as broadly

as possible, given that this will provide it with much more extensive scrutiny rights. Equally, the Council may be expected to try and use the existing procedure as much as possible, as this is where Member States and the Commission can negotiate the implementation of legislation without much interference from the EP. The

Commission may also prefer this type of procedure, given what was said already about the impact on time that the new procedure may have. Then again, the Commission has in the past been at the sharp end of the EP’s irritation and will be sensitive to its demands.

Basically, the 2006 reform may not only lead to a more lengthy process of adopting implementing measures, but may indeed also prolong the legislative procedure. Institutions may wrangle over the choice of right procedure in cases where the law does not provide a clear-cut answer. And even after both the legislative act and the implementing measures based on it have been adopted, the possible argument about the choice of the correct procedure may not be settled. If a party feels aggrieved, it may seek a ruling from the ECJ to overturn the decision. We have already seen the Court being asked to rule on a matter of procedural choice under the 1999 Decision,<sup>20</sup> so it is fair to assume that the – potentially more contentious – choice between quasi-legislative and non-quasi-legislative procedure may also appear on the agenda of the ECJ.

The discussion of the potentially contestable nature of the new category of quasi-legislative measures brings us to the wider question of the “winners” and “losers” of this reform. The immediate response to this question might be to regard the EP as a winner: it was the EP that forced the issue on the agenda, and that achieved its aim of a right to also scrutinise the substance of those implementing measures having a legislative impact. Through a sustained

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and fairly well co-ordinated campaign the EP managed to receive a considerable increase in its overview of the Commission's delegated powers.

However, a second look reveals some weaknesses in the EP's position. First of all, the EP only received the demanded equality with the Council in that part of the procedure that follows on from a positive opinion from the comitology committee. If comitology issues either a negative or no opinion, the EP is a distinct "second class" citizen to the Council: first of all, if the Council follows the comitology committee in objecting to the draft measure, the EP is not consulted at all; secondly, even if the Council considers adopting the measure, the EP is only consulted after the Council. This shows that symbolically and practically the EP falls short of having the same role as the Council – and this had actually been the ultimate objective of the Parliament. The Parliament also paid a potentially high price in order to achieve this reform, having given up the instrument of sunset clauses for the delegation of implementing powers. As we have seen from the way in which the EP used its veto over the extension of the delegation to the Commission in the area of Lamfalussy, the sunset clauses proved to be a powerful tool in order to generate leverage in inter-institutional relations with the Council and Commission. Having now undertaken to give up the use of this instrument, the EP has lost an important weapon in its armoury. The combined effect of these developments – legal uncertainty

over the use of the right procedure and less control over the Commission through sunset clauses – may be a greater hesitation by the EP to agree to the delegation of implementing powers in the first place.

To sum up we can conclude that the 2006 reform of the comitology procedures is more than just an amendment of 1999 Decision. It promises huge changes to the way in which the delegation of implementing powers to the Commission is going to be controlled by Council and Parliament. In particular, it genuinely puts the EP on the map when it comes to scrutinising the way in which the Commission is using such delegated powers, and therefore promises not just significant legal changes but possibly also a degree of cultural change when it comes to the way in which comitology works. But just as it accommodates the demands of the Parliament to a large extent, it also raises many new questions concerning the operation of the new procedure. As with previous instances of reforms of comitology, while some long-standing problems are being addressed by the new reform, new questions are being opened at the same time – questions that will only be answered once the new regulatory procedure is being put into practice. Time will tell whether this reform of comitology has solved the problems or whether the inter-institutional dispute over the legislative control of delegated implementation has only been postponed. ::

## NOTES

- <sup>1</sup> We are grateful for helpful comments received from Edward Best, Christoph Demmke, Pamela Lintner, Johanna Oettel and Paolo Ponzano. Any remaining errors are, of course, the sole responsibility of the authors.
- <sup>2</sup> See R. Dehousse, "Comitology: Who watches the watchmen?" *Journal of European Public Policy*, Vol. 10, No. 5 (2003), pp. 798-813.
- <sup>3</sup> There is now quite a large body of literature on the workings of the comitology system. See R. Pedler and G. Schaefer (eds), *Shaping European Law and Policy: The Role of Committees and Comitology in the Political Process* (Maastricht: EIPA, 1996); T. Christiansen and T. Larsson, *The Role of Committees in the EU Policy-Process* (Cheltenham: Edward Elgar, forthcoming in 2007); C. Joerges and E. Vos, *EU Committees: Social Regulation, Law and Politics* (Oxford: Hart, 1999); C. Joerges and J. Neyer, "Transforming strategic interaction into deliberative problem-solving: European comitology in the foodstuff sector", *Journal of European Public Policy*, Vol. 4, No. 4 (1997), pp. 609-625; C. Joerges and J. Falke (eds), *Das Ausschußwesen der Europäischen Union – Praxis der Risikoregulierung im Binnenmarkt und ihre rechtliche Verfassung*, (Baden-Baden: Nomos, 2000); W. Wessels "Comitology: fusion in action. Politico-administrative trends in the EU system", *Journal of European Public Policy*, Vol. 5, No. 2 (1998) pp. 209-34; A. Toeller, *Komitologie, Theoretische Bedeutung und praktische Funktionsweise von Durchführungsausschüssen der Europäischen Union am Beispiel der Umweltpolitik* (Opladen: Leske+Budrich, 2002); H. Hofmann and A. Toeller, "Zur Reform der Komitologie – Regeln und Grundsätze für die Verwaltungskooperation im Ausschußsystem der Europäischen Gemeinschaften" *Staatswissenschaften und Staatspraxis* Vol. 98, No. 2, pp. 207-237; Mark A. Pollack, "Control Mechanism or Deliberative Democracy? Two images of Comitology", *Comparative Political Studies*, Vol. 36, No. 1-2, (2003) pp. 125-155; T. Christiansen and E.

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- (Aldershot: Ashgate, 1998); H. Hofmann and A. Türk, *EU Administrative Governance* (Cheltenham, Edward Elgar, 2006).
- <sup>4</sup> European Court of Justice, Case No. C-25/70 (Koester).
  - <sup>5</sup> Council Decision 1999/468/EC laying down procedures for the exercise of implementing powers conferred on the Commission.
  - <sup>6</sup> EP Resolution A5-01777/200 on Commission Decision on the Safe Harbour Privacy Principle, OJ 2001 C121/152.
  - <sup>7</sup> Commission Decision on the adequacy of protection provided by the privacy principle issued on the implementation of the Directive 95/46/EC of the EP and Council on the protection of individuals with the regard to the processing of personal data on the free movement of such data, OJ 1995 L 281/31.
  - <sup>8</sup> P. Lintner and B. Vaccari, "The European Parliament right of scrutiny over Commission Implementing acts: a real parliament Control?", EIPASCOPE No. 2005/1; C. Neuhold, "European Governance by Committees. The Implications of Comitology on the Democratic Arena", in A. Benz and I. Papadopoulos (eds), *Governance and Democracy. Comparing National, European and International Experiences* (London: Routledge, 2006).
  - <sup>9</sup> <http://ec.europa.eu/transparency/regcomitology/registre.cfm?CL=en>
  - <sup>10</sup> Commission communication to the European Parliament of 20 July 2005 on the "Resolution of 12 April 2005 on hazardous substances – Review of transmission of draft implementing measures (B6 0218/2005), annexes I, II, III, IV.
  - <sup>11</sup> Treaty Establishing a Constitution for the European Union, Art.I-33 – Art.I-36.
  - <sup>12</sup> Conclusions of the Stockholm European Council, March 2001.
  - <sup>13</sup> Commission Decision establishing comitology and CESR committees.
  - <sup>14</sup> B. Vaccari, "Le processus Lamfalussy: une réussite pour la comitologie et un exemple de "bonne gouvernance européenne", *Revue de droit de l'UE*, No. 4 (2005).
  - <sup>15</sup> The EP used the uncertainty surrounding the adoption of the 2007-2013 Financial Perspective to flex its budgetary muscles and briefly blocked the funding for comitology committees – a tool it had already used to some effect in the 1990s. There was also the insistence by the EP to insert sunset clauses in new legislative acts going through the co-decision procedure at the time.
  - <sup>16</sup> Report on the draft Council Decision amending Decision 1999/468/EC laying down procedures for the exercise of implementing powers conferred on the Commission.
  - <sup>17</sup> Council Decision 2006/512/EC amending Decision 1999/468/EC laying down procedures for the exercise of implementing powers conferred on the Commission.
  - <sup>18</sup> Commission Proposal for a Council Decision amending Decision 1999/468/EC laying down procedures for the exercise of implementing powers conferred on the Commission
  - <sup>19</sup> See, for example, H. Farrell and A. Héritier "Formal and Informal Institutions Under Codecision: Continuous Constitution-Building in Europe", *Governance* Vol. 16, No. 4 (2003), pp. 577-600; A. Maurer, D. Kietz and C. Völkel, *Interinstitutional Agreements in the CFSP: Parliamentarisation through the Backdoor?* EIF Working Paper Series, No. 5 (2005); S. Hix, 2000, "Parliamentary oversight of executive power: what role for the European Parliament in comitology?", in T. Christiansen and E. Kirchner (eds), *Committee governance in the European Union* (Manchester: Manchester University Press, 2000). For a wider discussion of the significance of informal arrangements in the politics of the EU, see J. Stacey and B. Rittberger (eds), "Dynamics of formal and informal institutional change in the EU", Special Issue of the *Journal of European Public Policy*, Vol. 10, No. 6 (2003); T. Christiansen and S. Piattoni, *Informal Governance in the European Union* (Cheltenham: Edward Elgar, 2003); G. Peters, "Forms of Informal Governance: Searching for Efficiency and Democracy" in T. Christiansen and T. Larsson *The Role of Committees in the EU Policy-Process* (Cheltenham: Edward Elgar, forthcoming in 2007).
  - <sup>20</sup> European Court of Justice, Cases Nos. C-378/00 (LIFE) and Case C-122/04 (Forest Focus).



# Upcoming Events

## April-May 2007

more details at: <http://www.eipa.eu>

LOCATION	PROJECT NO.
<b>MAASTRICHT</b>	
3-4 April 2007 Seminar: Financial Management of EU Structural Funds	0730204
16-20 April 2007 Tutorials: EU Law for Non-Lawyers	0731901
16-17 April 2007 Seminar: Europe Decision-Making & Financial Management	0712601
16-18 April 2007 Public Private Partnerships (PPP) – Practitioners’ Workshop: Making Public-Private Partnerships Work – A Practical Guide	0730601
19-20 April 2007 Seminar: European Negotiations II, You and the EU: Techniques to Manage Interpersonal and Intercultural Relationships in European Negotiations	0711401
19-20 April 2007 Workshop: State Aid Procedures and Enforcement	0731202
26-27 April 2007 Seminar: Developing Public Administration in a Changing World	0720201
7-11 May 2007 Tutorials: EU Recht für Nichtjuristen	0732401
7-8 May 2007 Public Procurement Policy Seminar on European Defence Procurement	0730802
7-11 May 2007 Seminar: Der politische Entscheidungs- und Umsetzungsprozess in der Europäischen Union und seine Bedeutung für die Bundesländer, for German Länder Officials	0730701
10-11 May 2007 Seminar: Implementing the New Structural Funds Regulations	0730202
14-16 May 2007 Seminar: The Internal Market in Healthcare Part I: The Freedom of Movement of Professionals and Patients, their Protection against Malpractice and the Payment for “Foreign” Treatment	0732301
21-25 May 2007 Tutorials: Droit européen pour non-juristes	0732001
30 May-1 June 2007 Séminaire: Introduction au système de la reconnaissance des diplômes	0731501
31 May-1 June 2007 Seminar: Understanding Decision-Making in the European Union: Principles, Procedures and Practice	0712202
<b>LUXEMBOURG</b>	
16-17 April 2007 Seminar: CAF and Justice – Quality Development in the Field of Justice	0752301
26-27 April 2007 Seminar: Current Status and Future Prospects in European Company Law and Tax Law/ Droit européen des sociétés et droit fiscal européen: l’état actuel et perspectives futures	0755101
10-11 May 2007 Seminar: Services Directive	0751201
24-25 May 2007 Seminar: Recent Developments in Commercial Law	0753701

# Reform of Public Procurement Remedies: A First Look at the Commission Proposal for an Amending Directive



By **Liisa Koskinen\***

The European legal framework for remedies in the field of public procurement is undergoing a reform process. In May 2006, the Commission proposed new measures aiming to improve the effectiveness of review procedures concerning the award of public contracts. This article examines current problems in the remedies systems and assesses the main measures proposed by the Commission. It welcomes the Commission's approach and argues that the proposed measures are likely to contribute to more effective enforcement of public procurement rules. However, the article argues that further improvements are required in terms of clarification of specific provisions. It also calls for the need to address other relevant issues in forthcoming legislation.

## 1. Introduction

The effectiveness of EC rules requires correct implementation by the Member States and efficient enforcement mechanisms. In the field of public procurement, new directives<sup>1</sup> were adopted in 2004 aiming to simplify, clarify and modernise the substantive rules on public procurement procedures. Most Member States have now implemented the new rules. The enforcement of the substantive rules is the next area of public procurement that needs to be addressed and improved by the Community.

There are two directives dealing with remedies on public procurement, Directive 89/665/EEC<sup>2</sup> for the public sector and Directive 92/13/EEC<sup>3</sup> for the utilities sectors. The Remedies Directives apply only to contracts covered by the Public Procurement Directives including the partially covered contracts for "non-priority services".<sup>4</sup>

An effective remedies system should provide tenderers with effective means of redress, deter the contracting authorities from breaching the rules in the first place, and build confidence among the business and public that public procurement procedures are fair. The Community's objective in regulating this field is to open public procurement to EC-wide competition and to encourage cross-border procurement, which currently amounts to only approximately 10% of total procurement in the EU.<sup>5</sup> The public procurement

rules are currently unevenly enforced in the Member States and there is a need for more effective Community rules on remedies. Furthermore, the case law of the European Court of Justice (ECJ) has brought about the need for further clarification in certain aspects of the review procedures.

In May 2006 the Commission adopted a proposal for legislation aiming to amend the two current Remedies Directives.<sup>6</sup> Adoption of the proposal was preceded by consultation of Member States' representatives, contracting authorities, economic operators, lawyers, non-governmental organisations and experts such as academics and practitioners on the operation of and possible improvements to the Remedies Directives.<sup>7</sup> The Commission conducted an impact assessment, which presents the problems identified within the current Remedies process and the possible impact of the main options available to the EU and the Member States to tackle the problems.<sup>8</sup>

In its proposal the Commission has decided to deal mainly with two problems: illegal awards of public contracts without tendering and the lack of opportunity to bring remedies actions at a time when infringements can still be corrected.

This article will first describe the problems identified by the Commission and the main provisions proposed by the Commission. It then assesses whether the Commission is addressing the relevant problems and whether the proposed

instruments are likely to tackle the current problems in remedies systems. Although most of the proposed changes would apply both to the public sector and the utilities sectors, the scope of this article will be limited to the main amendments to the Remedies Directive for the public sector.

## 2. Main problems addressed by the Commission

### 2.1. Illegal direct awards of public contracts

The Public Sector Directive requires that public contracts are advertised and awarded after competition to the best bidder. There are only few exceptions when the contracting authorities are allowed to award the contract directly to one company without the call for competition, such as cases of extreme urgency and situations when only one contractor is able to fulfil the contract.<sup>9</sup> These exceptions, however, are interpreted strictly by the courts and in the vast majority of cases the contract has to be put out for tender.

Illegal direct awards of contracts, described by the ECJ as “the most serious breach of Community law in the field of public procurement”,<sup>10</sup> are very difficult to contest under the current legislation.

First of all, it is difficult to know that a direct award has even taken place since the contract is often negotiated and concluded in secrecy without any prior advertising.

Secondly, if the contract has already been concluded there is a lack of effective remedies. The current Remedies Directive gives the Member States an option to limit the available remedies to damages after the contract has been concluded.<sup>11</sup> Accordingly, in most Member States a contract award decision cannot be set aside after the contract has been concluded and the bidder whose rights have been infringed during the award procedure can only claim damages. However, damages are often difficult to obtain in practice because of the need for the bidder to prove that he would have had a real chance of winning the contract if there had not been an infringement of the tendering process. This is particularly true in relation to direct awards where the contracting authority has not even published a contract notice and there are no offers which could provide a comparison between the potential bidders.

### 2.2. The lack of opportunity to bring remedies actions at a time when infringements can still be corrected

Since in most Member States the available remedies are limited to damages after the contract has been concluded, there is a risk that the contracting authorities might be tempted to sign the contract very quickly after the award decision in order to make the consequences of the disputed award decision irreversible, an issue often referred to as “race to signature”.

The ECJ has addressed this problem and required more effective pre-contractual remedies by providing for a standstill period between the contract award and the signing of the contract. The two relevant judgments concerned Austrian legislation which provided that the contractual relationship between the authority and the tenderer comes into being when the tenderer receives notification of the acceptance of his offer.

In the *Alcatel* case,<sup>12</sup> which was referred to the ECJ for a preliminary ruling, the Court ruled that the Member States are required to ensure that prior to the conclusion of the contract the award decision is in all cases open to review procedure whereby an unsuccessful tenderer can have that decision set aside if the relevant conditions are met. Since the Austrian legislation provided that the notification of the award decision and the conclusion of the contract took place at the same time, it was in practice impossible to have the decision on the award of the contract set aside.

Later the Commission brought an action against Austria claiming non-implementation of the Remedies Directives and the *Alcatel* judgment, which led the Court to clarify its earlier judgment. In *Commission v Austria*<sup>13</sup> the Court established, first, that all tenderers must be informed of the

## Illegal direct awards of contracts, described by the ECJ as “the most serious breach of Community law in the field of public procurement”, are very difficult to contest under the current legislation.

contract award decision prior to the conclusion of the contract, so that a genuine possibility of bringing an action is available to them. Secondly, the Court ruled that a reasonable period must elapse between the time when the award decision is communicated to unsuccessful tenderers and the conclusion of the contract, in order to make it possible for the unsuccessful tenderers to have sufficient time to examine the

validity of the award decision and in particular to apply for interim measures.

However, case law has still left many questions unanswered. How long should the standstill period be? What are the consequences for the contracting authorities of not respecting the standstill period? Are there any exceptions to the standstill period? Member States have interpreted the conditions relating to the standstill period differently and the level of protection for bidders differs from one national legal system to another.<sup>14</sup>

### 3. The main solutions proposed by the Commission

In order to tackle the issue of “race to signature” the Commission proposes a mandatory minimum standstill period between the contract award decision and contract conclusion. The Commission suggests that the length of the standstill period should be at least 10 calendar days, while giving Member States the freedom to make the period longer. During this period the bidders would have time to consider whether they want to bring a claim for interim measures and setting aside the contract award decision. The standstill period would start to run from the day after

the date on which the bidders are informed about the award decision and the summary of the relevant reasons for the decision. Furthermore, the proposal gives the review body some time to act by providing for a minimum five working days' suspension of the contract initiated by referral to the review body.

The proposal allows certain exceptions to the standstill period. The standstill period would not apply in cases of extreme urgency.<sup>15</sup> Some of the proposed exceptions are optional for the Member States. The Remedies proposal gives the Member States an option to provide that the standstill period does not apply in the case of contracts based on a framework agreement concluded with only one supplier or with several suppliers when all the terms are laid down in the agreement. Similar exceptions could be provided for cases where only one bid is received in an open procedure and in the case of restricted and negotiated procedures, which result in a single tenderer through a decision which has been open to review. Furthermore, the Commission proposes that in cases of urgency<sup>16</sup> the Member States could provide for a shorter standstill period of seven calendar days which would be extended automatically by three days if the award decision is challenged. The shorter standstill period could also be applied in case of contracts awarded as part of dynamic purchasing systems and contracts concluded as a result of reopening competition as regards some terms amongst the parties to the framework agreement.

As a sanction for the failure to respect the standstill period, the Commission proposes, as a main rule, the conclusion of the contract to be rendered ineffective.

As regards direct awards, the Commission's proposal introduces an obligation for the contracting authorities to publish a simplified notice of the contract award decision in order to make the award public. Furthermore, the contracting authorities would have to respect the standstill period and wait for a minimum of 10 calendar days after the publication of the notice before they can conclude the contract.

## 4. Assessment of the proposal

### 4.1. Assessment of the identification of problems

Generally, the Commission has chosen the right approach by focusing on strengthening the pre-contractual remedies. The mistakes and unfair decisions in the award procedure should be corrected as early as possible to allow the contract to be awarded to the bidder who would have won under a fair procedure.<sup>17</sup>

The problem of illegal direct awards is widely recognised. The current legislation does not have a sufficiently deterrent effect on contracting authorities, since direct awards are very difficult to challenge. It should be stressed that this is

a key issue to be dealt with in remedies reform.

It should be pointed out that consultations suggested that somewhat more ambitious reform was being contemplated, and there are certainly more issues which the Commission could have addressed in its proposal. First, the award of damages is currently left for the Member States to regulate to a large extent. There are difficulties in

proving a causal link between the illegality of the awards procedure and the damage suffered, as well as uncertainty as to how the amount of damages should be calculated, which contributes to the lack of clarity about damages actions.<sup>18</sup> It would have been useful if the Commission had provided some clarification about this issue in its proposal.

Secondly, in its proposal the Commission could have clarified the conditions for the appli-

cation of interim measures in cases where the standstill period has been respected. The suspension of an award procedure provides an effective remedy for the bidders, since it prevents conclusion of the contract by the time of the trial. But the Remedies Directive provides a balance-of-interest test, which allows the national courts to take into account the probable consequences of the measures for all interests likely to be harmed, as well as the public interest, when considering whether to order interim measures. The courts may decide not to grant such measures when the negative consequences could exceed the benefits.<sup>19</sup> In some Member States a wide interpretation of the concept of public interest and the application of additional and restrictive conditions has rendered interim measures difficult to obtain in practice.

### 4.2. Assessment of the proposed solutions

#### 4.2.1. Publicity requirement for direct awards

The introduction of the obligation to publish a simplified contract award notice together with the obligation to respect the standstill period would enable bidders to challenge direct awards more easily and, more importantly, discourage the contracting authorities from awarding a contract without competition when it is not clearly justified.

There are some areas, however, in which the proposed Directive could be improved. First, the proposal is not clear when it comes to the means of publication. The proposal provides that the notice must be given a "sufficient degree of publicity".<sup>20</sup> It prescribes that publication in the Official Journal would fulfil the requirement of publicity by referring to the provisions in the Public Procurement Directives, but does not exclude the possibility of using other means of advertising instead. The provisions on publication in the proposal as it stands now do not provide sufficient legal certainty.

The Public Sector Directive requires the contracting

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authorities to advertise contract opportunities and to publish notices on contract awards in the Official Journal concerning all contracts which are above set monetary thresholds and covered by the Directive, excluding contracts for “non-priority services”. Publication at an EU level is important in order to enable foreign as well as domestic bidders to have access to information on higher-value contracts with potential cross-border interest. The proposed notices for direct awards exceeding the financial thresholds should, logically, be treated similarly. Therefore the proposed Directive could be improved by imposing a requirement for the contracting authorities to publish a notice in the Official Journal in the case of direct awards of contracts, excluding contracts concerning “non-priority services” where other means of publication could be allowed. It would also be helpful if the Commission were to define a Community-wide standard form for the notice, as currently exists for all the other notices which have to be published in the Official Journal. The form could be based on Annex I to the proposed Directive which describes the minimum information to appear in the notice.

Secondly, it can be argued that the requirement to publish a contract notice for direct awards should be incorporated into the Public Sector Directive, which already includes all the other provisions on notices, and should not be dealt with in detail in the Remedies Directive.

#### 4.2.2. The obligation to inform all tenderers of the contract award decision

As the ECJ has pointed out, the effectiveness of the review procedures depends not only on the existence of a sufficiently long interval in which tenderers may react to the award decision but also on the obligation to keep tenderers informed of the award decision.<sup>21</sup> Currently the Public Sector Directive imposes an obligation on the contracting authorities to inform the tenderers of the relevant reasons for the decision only when requested to do so by the tenderers.<sup>22</sup>

The Commission proposes an obligation for the contracting authorities to automatically inform all tenderers of the award decision and the relevant reasons for that decision, improving the possibility for tenderers to assess their case at an early stage. However, this provision could be seen as being introduced through the backdoor via the remedies regime, whereas it would more appropriately belong within the realm of the Public Procurement Directives.<sup>23</sup> It can be argued that the Public Sector Directive should be amended to include this requirement.

#### 4.2.3. Standstill period

The need for a standstill period between the contract award decision and contract conclusion has been clearly indicated by the ECJ, so this is not a completely new obligation introduced by the Commission. It has been argued, however, that allowing a possibility of suspending or setting aside contracts concluded under national law should be accepted as an alternative method to ensure the effectiveness of the

remedies system, although the Court did not address that possibility.<sup>24</sup> However, the possibility of preventing the conclusion of contracts awarded illegally is better, for reasons of legal certainty, than allowing direct challenge to concluded contracts.<sup>25</sup> It is likely to be more effective in practice, since the courts are more likely to set aside contract award decisions than concluded contracts.

Furthermore, most Member States have already implemented provisions on the standstill period, although the conditions for its scope and application differ from one Member State to another. All ten new Member States have some provisions on the standstill

period. In many old Member States measures to implement the standstill period were taken after the Commission had started infringement proceedings against several of them.<sup>26</sup> So far at least Germany, Luxemburg, Belgium, France, Finland, Sweden, the Netherlands, the UK and Denmark have introduced some provisions. Consultations by the Commission show strong support for the adoption of a standstill period.<sup>27</sup> The Commission’s proposal contributes significantly to the clarification of the questions left open by case law in order to ensure effective and equal implementation of the standstill period in the Member States, although at least some details of the conditions will still have to be discussed during the legislative process.

##### 4.2.3.1. The length of the standstill period

The provisions on the standstill period need to ensure that the bidders have sufficient time to examine the validity of an award decision and to have the possibility to bring a claim to correct the potential breaches. On the other hand, the length of the standstill period should be set at a level which does not delay the conclusion of the contract unnecessarily.

As the Commission points out, the standstill period of a minimum of 10 days would apply only to contracts with a value exceeding the thresholds, which in any case take quite a long time to complete due to their often complex nature and time-limits imposed by the Public Procurement Directives.<sup>28</sup> Under the proposed rules the conclusion of a contract would be delayed by 10 to 17 calendar days,

**The proposed Directive could be improved by imposing a requirement for the contracting authorities to publish a notice in the Official Journal in the case of direct awards of contracts, excluding contracts concerning “non-priority services” where other means of publication could be allowed.**

depending on whether a challenge was brought before a review body, which does not seem excessive in relation to the length of the award procedure as a whole. On the other hand, from the bidders' point of view the proposed minimum period seems relatively short. Especially for a bidder from another Member State, who may not be familiar with the review system in the country of the contracting authority, it might be difficult to file a complaint during the period of 10 calendar days, which would amount to eight or fewer working days.<sup>29</sup> Furthermore, the consultation by the Commission showed clear support for a longer standstill period. It can therefore be concluded that the standstill period should be longer.

#### 4.2.3.2. Exceptions to the standstill period

The option to exempt contracts based on a framework agreement concluded with one contractor or with several contractors when all the terms are laid down in the agreement provides the necessary flexibility for the contracting authorities. The option of applying a shorter standstill period for contracts awarded by a mini-competition amongst the parties to a framework agreement can be considered justified since it concerns only a selected number of supplementary or refining terms of the contract.

However, the Commission proposal could be improved in some respects. The exceptions for contracts based on framework agreements can be justified only if the tenderers have the possibility of challenging the creation of the framework agreement itself. It would be required to have an explicit obligation to automatically inform all tenderers about the decision concerning the award of the framework agreement, accompanied by reasons for the decision and a clearly stated obligation to respect the standstill period in relation to the conclusion of the framework agreement.

As regards the exemption for a restricted procedure, the Commission proposal refers only to the legal exclusion of those who have been invited to bid, which seems to imply exclusion only on the basis of non-compliance with procedural formalities. It would be better to provide the exemption for cases where only one candidate has been invited to submit a bid and all the other candidates that have expressed an interest have been legally excluded, whether this has been on the basis of selection criteria, exclusion criteria or non-compliance with procedural formalities.

#### 4.2.3.3 Sanctions for the breach of the standstill period

Ineffectiveness of contract conclusion is an exceptional and serious measure, which is likely to provide a strong deterrent to the breach of the standstill period. The national courts would, however, be able to declare the contract to have certain effects, for example to avoid destruction of what has been performed. Furthermore, some effects of the contract could be upheld if the court considers that there are overriding reasons based on general interest of a non-

economic nature. It is not clear exactly what type of considerations this includes, but reasons such as a public security and health can be assumed to qualify.<sup>30</sup> In any case the requirement appears considerably stricter than the balance-of-interest test for interim measures. The scope of these exceptions to the ineffectiveness of the contract can be expected to be clarified by the courts if the proposed measures are adopted.

### 5. Conclusion

The recently issued Commission proposal aims primarily to improve the effectiveness of pre-contractual remedies and to tackle the widely recognised problem of illegal direct awards, an approach that should be welcomed. Although many of the proposed measures can be expected to contribute to more effective enforcement of public procurement rules, it should be pointed out that there is a need for clarification as regards some provisions. Furthermore, there remain additional issues which one would have hoped would be dealt with in the proposed Directive, such as the application of damages and interim measures in the national courts.

First, the requirement to publish an award notice and to respect the standstill period in cases of direct award of contracts is to be welcomed. The proposal could be improved, however, by providing a clear obligation to publish the award notices of directly awarded contracts exceeding the financial thresholds in the Official Journal.

Second, the Commission's proposal provides much needed clarification as regards the conditions, exceptions and sanctions applicable to the standstill period between the award of a contract and the conclusion of a contract. There could be room for improvement, however, regarding some of the provisions. It can be argued that the length of the standstill period should be longer in particular to enable foreign bidders to challenge the decisions. The provisions concerning framework agreements and some of the

exceptions could be made clearer. The sanction of unenforceability of a contract for breach of the standstill period is expected to provide a strong deterrent for the contracting authorities against concluding contracts too early and lead to more effective remedies for the bidders in cases where the rules on public procurement have

been infringed. Although the national courts would have some margin of discretion before applying the sanction, it is hoped that the exceptions will be interpreted strictly in order not to reduce the effectiveness of the sanction.

On the whole, the proposed measures can be expected to contribute to more effective enforcement of the public procurement rules and to have a deterrent effect against breaches in procurement procedures. It is, however, important to bear in mind that other issues such as the costs of legal proceedings, the bidders' fear of being blacklisted and the length of the court proceedings also need to be addressed in the Member States in order for the review procedures to be effective in practice. ::

**Ineffectiveness of contract conclusion is an exceptional and serious measure, which is likely to provide a strong deterrent to the breach of the standstill period.**

## NOTES

- \* The author would like to thank Rita Beuter, Michael Burnett and Eric Sitbon for their useful comments.
- 1 Hereinafter referred to as the Public Procurement Directives: Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts, OJ L 134, 30.4.2004, p. 114 (hereinafter referred to as Public Sector Directive) and Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors, OJ L 134, 30.4.2004, p. 1.
  - 2 Council Directive 89/665/EEC of 21 December 1989 on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts, OJ L 395, 30.12.1989, p. 33 (hereinafter referred to as the Remedies Directive).
  - 3 Council Directive 92/13/EEC of 25 February 1992 coordinating the laws, regulations and administrative provisions relating to the application of Community rules on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors, OJ L 76, 23.3.1992, p. 14.
  - 4 Non-priority services are listed in Annex II B to Directive 2004/18 and Annex XVII B to Directive 2004/17; Commission Interpretative Communication on the Community law applicable to contract awards not or not fully subject to the provisions of the Public Procurement Directives, OJ C 179, 1.8.2006, p. 2.
  - 5 A Report on the Functioning of Public Procurement Markets in the EU: Benefits from the Application of EU Directive and Challenges for the Future, 3.2.2004, p. 9.
  - 6 Proposal for a Directive of the European Parliament and of the Council amending Council Directives 89/665/EEC and 92/13/EEC with regard to improving the effectiveness of review procedures concerning the award of public contracts, COM(2006) 195 final/2.
  - 7 For the results of the consultations see [http://ec.europa.eu/internal\\_market/publicprocurement/remedies/remedies\\_en.htm](http://ec.europa.eu/internal_market/publicprocurement/remedies/remedies_en.htm)
  - 8 Impact Assessment Report – Remedies in the Field of Public Procurement, Annex to the Proposal for a Directive of the European Parliament and of the Council amending Council Directives 89/665/EEC and 92/13/EEC with regard to improving the effectiveness of review procedures concerning the award of public contracts, SEC(2006)557.
  - 9 Article 31 of Directive 2004/18/EC.
  - 10 C-26/03, Stadt Halle (judgment of 11 January 2005), para. 37.
  - 11 Article 2(6) of Directive 89/665/EEC
  - 12 C-81/98, Alcatel Austria and Others (judgment of 28 October 1999).
  - 13 C-212/02, Commission v Austria (judgment of 24 June 2004).
  - 14 Impact Assessment Report – Remedies in the Field of Public Procurement, cited above at No. 8, p. 29.
  - 15 “Extreme urgency” must be interpreted according to Article 31(1)(c) of Directive 2004/18/EC.
  - 16 “Urgency” must be interpreted according to Article 38(8) of Directive 2004/18/EC.
  - 17 See the first and second recitals in the preamble to Directive 89/665/EEC and C-81/98, Alcatel and Others, para. 33.
  - 18 For further discussion see for example Treumer, Steen: “Damages for Breach of the EC Public Procurement Rules – Changes in European Regulation and Practice”, *Public Procurement Law Review*, Volume 15, Issue 4, (2006); The lack of clarity concerning damages was already recognised as one of the two principal problems hindering effective relief in the study “Single Market Review Series, Subseries III – Dismantling of Barriers: Public Procurement”, Euro Strategy Consultants, July 1996.
  - 19 Article 2(4) of Directive 89/665/EEC.
  - 20 Article 2e(2)(b) of the proposal, cited above at No. 6.
  - 21 C-212/02, Commission v Austria, para. 24.
  - 22 Article 41 of Directive 2004/18/EC.
  - 23 “A New Remedies Directive?”, Joseph Dalby, Barrister, June 2006, Talking Point on the European Public Private Partnership Forum website, [www.eipa.eu](http://www.eipa.eu)
  - 24 Arrowsmith, Sue: “The Law of Public and Utilities Procurement”, Sweet & Maxwell, 2005, pp. 1427-1429; Dischendorfer, Martin and Arrowsmith, Sue: “Case C-212/02, Commission v Austria: The Requirement for Effective Remedies to Challenge an Award Decision”, *Public Procurement Law Review*, Volume 13, Issue 6, (2004) pp. NA165-168; Arrowsmith, Sue: “Implementation of the New EC Procurement Directives and the Alcatel Ruling in England and Wales and Northern Ireland: a Review of the New Legislation and Guidance”, *Public Procurement Law Review*, Volume 15, Issue 3, (2006) p.132.
  - 25 See discussion on Timmermans, William and Gelders, Mike: “Standstill Obligations in European and Belgian Public Procurement Law”, *Public Procurement Law Review*, Volume 14, Issue 6, (2005) pp. 265-290, p. 270.
  - 26 [http://ec.europa.eu/internal\\_market/publicprocurement/infringements\\_en.htm](http://ec.europa.eu/internal_market/publicprocurement/infringements_en.htm)
  - 27 81% of professional associations and NGOs, 82% of lawyers and 75% of respondents to that specific question on the European Business Test Panel supported the standstill period.
  - 28 Impact Assessment Report – Remedies in the Field of Public Procurement, cited above at No. 8, p. 32.
  - 29 See discussion in Henty, Paul: “Is the Standstill a Step Forward? The Proposed Revision to the EC Remedies Directives”, *Public Procurement Law Review*, Volume 15, Issue 5, (2006) pp. 253-265.
  - 30 See recital 6 in the preamble to Directive 2004/18 and the discussion in Henty, *ibid*.

## RELATED ACTIVITIES AT EIPA

(26) 27 February-1 March 2007 and  
(17) 18-20 September 2007, Maastricht  
Introductory & Practitioners’ Seminar:

### European Public Procurement Rules, Policy and Practice

7-8 May 2007 and 19-20 November 2007, Maastricht  
European Defence Procurement – Policy Seminar

4-5 June 2007, Maastricht

Public Procurement – Legal Seminar:

### Recent Developments in European Public Procurement and Relevant Case Law of the European Court of Justice

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# Upcoming Events

## June-July 2007

more details at: <http://www.eipa.eu>

LOCATION	PROJECT NO.
<b>MAASTRICHT</b>	
4-5 June 2007 Public Procurement Legal Seminar: Recent Developments in European Public Procurement and Relevant Case Law of the European Court of Justice (ECJ)	0730803
4-5 June 2007 Seminar: Equality and Non-Discrimination	0720801
4-5 June 2007 Seminar: Managing Change in Public Administration	0725001
7-8 June 2007 Seminar: The Presidency Challenge – The Practicalities of Chairing Council Working Groups	0713302
11-13 June 2007 Seminar: European Negotiations I, Techniques to Manage Procedures, People and Package Deals to Survive in European Negotiations	0710902
13-15 June 2007 Seminar: CAF (Common Assessment Framework) and BSC (Balanced Score Card)	0720601
14-15 June 2007 Seminar: Managing Culture in Public Administration	0720501
20-22 June 2007 Seminar: Committees and Comitology in the Policy Process of the European Community	0710001
21-22 June 2007 Seminar: EU Banking and Financial Law: Dynamic Consolidation	0730001
21-22 June 2007 Interactive Workshop: How to Communicate Europe Effectively	0720102
25-26 June 2007 Seminar: Financial Management of EU Structural Funds	0730205
28-29 June 2007 Advanced State Aid Seminar and Maastricht Forum on State Aid	0731203
2-3 July 2007 Procurement Audit Practitioners' Seminar: Procurement Audit – And How to Ensure that Value for Money Really Happens	0730602
5-6 July 2007 Seminar on Environmental Policy	0721501
12-13 July 2007 State Aid Master-Classes and Case Analysis	0731207
<b>LUXEMBOURG</b>	
4-5 June 2007 Seminar: Alternative Dispute Resolution in the European Union	0751801
14-15 June 2007 Fourth Annual Seminar: European Food Law: New Rules and Increased Responsibilities	0750001
28-29 June 2007 Seminar on Asylum and Immigration	0750401
2-6 July 2007 Summer School: Preparation for the Concours	0753801
<b>BRUSSELS</b>	
4 June 2007 One-day Seminar: European Information and Communication Management – Who's Afraid of European Information? EU Policy-Making and Information Implications	0710201
5-6 June 2007 Seminar: How Can Member States Effectively Influence Community Decision-Making: A Practical Guide for Preparing a Winning Strategy	0710801



# Upcoming Events

## September-October 2007

more details at: <http://www.eipa.eu>

LOCATION	PROJECT NO.
<b>MAASTRICHT</b>	
13-14 September 2007 Interactive Workshop: How to Communicate Europe Effectively	0720103
17-20 September 2007 Introductory and Practitioners' Seminar: European Public Procurement Rules Policy and Practice (on 17-09-07 prior to the seminar EIPA will provide a basic introduction to European Public Procurement for newcomers to procurement or non-procurement persons)	0730804
20-21 September 2007 Seminar: Understanding Decision-Making in the European Union: Principles Procedures and Practice	0712203
24-28 September 2007 Tutorials: EU Recht für Nichtjuristen	0732406
27-28 September 2007 Seminar: Ausschüsse und Komitologie im Entscheidungsprozess der Europäischen Gemeinschaft	0710002
1-3 October 2007 Public Private Partnerships (PPP) – Practitioners' Seminar: PPP – Making Best Use of Public Funds	0730603
4-5 October 2007 European Information and Communication Management – Europe on the Internet – Finding your Way through the European Information Jungle	0711002
8-9 October 2007 Seminar: Managing Change in Public Administration	0725002
8-9 October 2007 Seminar: Intercultural Diversity	0721601
15-19 October 2007 Tutorials: EU Law for Non-Lawyers	0731906
18-19 October 2007 Seminar: State Aid Policy and Practice in the European Community – An Integrative and Interactive Approach	0731204
18-19 October 2007 Seminar: The Presidency Challenge – The Practicalities of Chairing Council Working Groups	0713303
25-26 October 2007 Seminar: Anti-Money Laundering and Anti-Terrorist Financing Efforts in the EU: Recent Developments	0733101
<b>LUXEMBOURG</b>	
11-12 October 2007 Annual Conference on Legal Aspects of Money	0755201
25-26 October 2007 Seminar: Free Movement of Labour	0750601
4-5 October 2007 Seminar: European Negotiations II, You and the EU: Techniques to Manage Interpersonal and Intercultural Relationships in European Negotiations	0711402
<b>BRUSSELS</b>	
16-17 October 2007 Séminaire: Le lobbying dans le processus décisionnel communautaire – Stratégies et outils	0710802

# Growth, Jobs and the European Regional Development Fund

## *The ALSO Project: An Assessment Tool to Follow?*



By Alexander Heichlinger, Seppo Määttä and Oscar Martí<sup>1</sup>



### **First Progress Report on the INTERACT Project (Achievement of the Lisbon and Gothenburg Strategy Objectives by INTERREG-ALSO)**

#### **The relaunch of the Lisbon Strategy**

At the Lisbon Summit in the spring of 2000, the Member States of the European Union agreed to make their labour markets more flexible, stimulate innovation, encourage entrepreneurs, spend more on research and development and complete the single market by 2010. This agreement, named the Lisbon Strategy, aimed at making Europe “the most competitive and dynamic knowledge-based economy in the world”, capable of sustainable economic growth with more and better jobs and greater social cohesion. At the mid-way point of the Lisbon implementation period, and after a “turbulent” review of the objectives, the European Commission confirmed that there was still “value for money” in the core ambitions and therefore proposed a revised Lisbon Strategy<sup>2</sup> to the Luxembourg European Council in 2005, focusing mainly on economic growth and employment – the real challenges in European economies. Except for the Barcelona objective of 3% of GDP<sup>3</sup> to be invested in R&D, the emphasis is no longer on overall numerical targets, but on the need for urgent reaction and action from Member States.

In a nutshell, the relaunch of the Lisbon Strategy is based on three core pillars:

- 1) making knowledge and innovation the real engines driving long-lasting growth;
- 2) making Europe more attractive for investment and employment; and
- 3) creating better and more jobs and placing growth and

employment at the service of social cohesion, supported by a sound macroeconomic foundation and good quality public finances.

These core pillars and priorities have been further specified in the *24 Integrated Guidelines for Growth and Jobs (2005-2008)*.<sup>4</sup> Six guidelines refer to macroeconomic issues, and ten to microeconomic ones, while the remaining eight set general objectives for employment. It is noteworthy that only one of the guidelines (no. 11) refers directly to the agenda’s environmental dimension (in line with the Gothenburg ambitions).

#### **From the regions to Lisbon: the ALSO project**

It is widely recognised that economic growth is fostered to a large extent by and between regional and local actors. This is demonstrated, among other things, by the emergence of new foci of regional and local development clusters, by the creation of new urban and local economic networks and links across national borders, and by the new geography of innovation in regional/local territories, based on *talent, technology and tolerance* (Florida, 2002),<sup>5</sup> all accompanied by political devolution process in many European countries.

On the other hand, when it comes to the involvement of local and regional actors in so-called Lisbon Governance, it is felt that they are left aside where it concerns the strategy design and its subsequent delivery. This is confirmed by the findings of a recent survey on the monitoring and assessment of the Lisbon National Reform Programmes from a regional and local perspective, conducted by the Committee of the Regions.<sup>6</sup>

Against this background, the ALSO project – the acronym

for *Achievement of the Lisbon and Gothenburg Strategy Objectives by INTERREG* – was proposed in 2004 and launched in July 2005. The project is run under the second round of applications of the INTERACT<sup>7</sup> Programme, aimed at a better development of regional cooperation issues and territorial promotion activities into INTERREG projects. ALSO has been chosen as the best project run under Priority 2, which concerns INTERREG development: local and regional initiatives. It is led by the Marche Region (IT), and EIPA, through its Antenna in Barcelona, the European Centre for the Regions, acts as a partner and full member of the ALSO Scientific Committee (see below for more details about the consortium composition).

The main ALSO project aims are to analyse and examine to what extent the INTERREG III projects (period 2000-2006) can contribute to the achievement of the Lisbon objectives from a regional point of view. Furthermore, the project also specifically aims to provide supporting tools such as assessment methods for new projects to be developed under the 2007-2013 programming period, when INTERREG will give way to the new European Territorial Cooperation Objective.

The ALSO project also promotes the exchange of best practices between the regional administrations already involved in INTERREG projects and those of new Member States. For this, apart from assessing many projects, ALSO assists in better communicating the results of such projects. Finally, the ALSO project's tasks include training regional planners operators/project managers in order to foster regional cooperation, solve their lack of coordination in view of improving the transposition of regional programming activities and orienting the new generation of inter-regional projects towards the objectives of the Lisbon Strategy.

The delivery of the various work packages and project tasks involves a consortium of 15 regional partners plus 2 scientific partners: EIPA-ECR and ULB (Université Libre de Bruxelles, BE), and other partners from a total of 11 countries from both inside and outside the European Community, subdivided into three different geographical areas:

- Northern Europe: Regional Council of South West Finland (FI); Ita-Usima Region (FI); Klaipeda Regional Development Agency (LT); Hiiu County Government (EE)
- Eastern Europe: Marche Region (IT), Sviluppo Marche – RDA of Marche Region (IT), Ervet – RDA of Emilia-Romagna Region (IT), A Del-Alfoldi Regioert – Organising Public Association (HU), C.E.I. – Sub-Regional Cooperation Initiative in Central and Eastern Europe (16 countries), Bulgarian Ministry of Regional Development and Public Works (BG);
- Southern and Western Europe: Lorraine Region (FR), Cambridgeshire County Council (UK), Arco Latino – Network of second-tier local administrations in the Western Mediterranean region (59 members).

One of the main bodies responsible for implementing the ALSO project is the ALSO Scientific Committee (ALSO SC), composed of Sviluppo Marche S.p.A, EIPA-ECR, ULB, the Regional Council of Lorraine and the Regional Council of South-West Finland. The Scientific Committee is in charge of elaborating the ALSO assessment model which represents the main tool for assessing the potential and expected impact of INTERREG projects on the Lisbon Strategy. EIPA-ECR has a major role to play in the implementation of the project since it has been entrusted

with and has elaborated the loose assessment framework model – described in more detail below – which was presented to the other members of the Committee in January this year. In parallel the ULB, in cooperation with the Regional Council of Lorraine, has developed a set of regional indicators and a measurement formula matching the Lisbon targets (see also further below) and linking the in principle macroeconomic level of the indicators with the success dimensions/key criteria of the project level.

### **A wide collection of projects: the ALSO assessment methodology**

During an initial phase between July and November 2005, more than 140 projects of the three strands of INTERREG III<sup>8</sup> (A: Cross-border cooperation; B: Transnational cooperation and C: Inter-regional cooperation) were collected from the project partners and screened. Taking into consideration the representativeness of the sample, this extensive compilation gave the opportunity to start building an ALSO projects database which provides a sound basis for the project delivery itself as well as for other possible future purposes.

As a first step, a number of eligibility and substantial criteria were established in order to “filter” the more “Lisbon-oriented” projects. Only projects which fulfilled criteria such as “duration” (at least half of the planned duration already implemented) and “budget” (min. €200,000 total budget) were eligible for a second screening. As a next step, substantial criteria for the assessment were introduced and only projects which demonstrated a qualitative contribution to at least three integrated guidelines of the three Lisbon pillars were accepted, allowing the evaluators to reduce subsequent and planned in-depth analysis to the more relevant projects in view of Lisbon. As a consequence, from the total 140 projects, 24 projects were finally chosen by the ALSO SC to test the ALSO Assessment Framework which was being developed. In this context it should be pointed out that the screening has been realised bearing in mind the new conditions under the new programming period 2007-2013, since the final assessment model should also be usable for ex-ante project assessment.

See figure 1 below for an example of the work carried out by the ALSO SC on the above.

Finally, and after the second screening, six pilots projects were chosen in order to be analysed in depth and tested against the loose assessment framework model which will be described in the next paragraph.

### **Balanced view of project added value: the ALSO Assessment Framework model**

The conceptual framework which inspired the EIPA staff members to design the ALSO Assessment Framework (ALSO AF) relies on the model of the Balanced Scorecard (BSC), a framework that covers the key perspectives of any business or public sector activity. The BSC was first developed for business in the beginning of the 1990s. However, it has been widely used since in many public sector bodies with the necessary important adjustments.

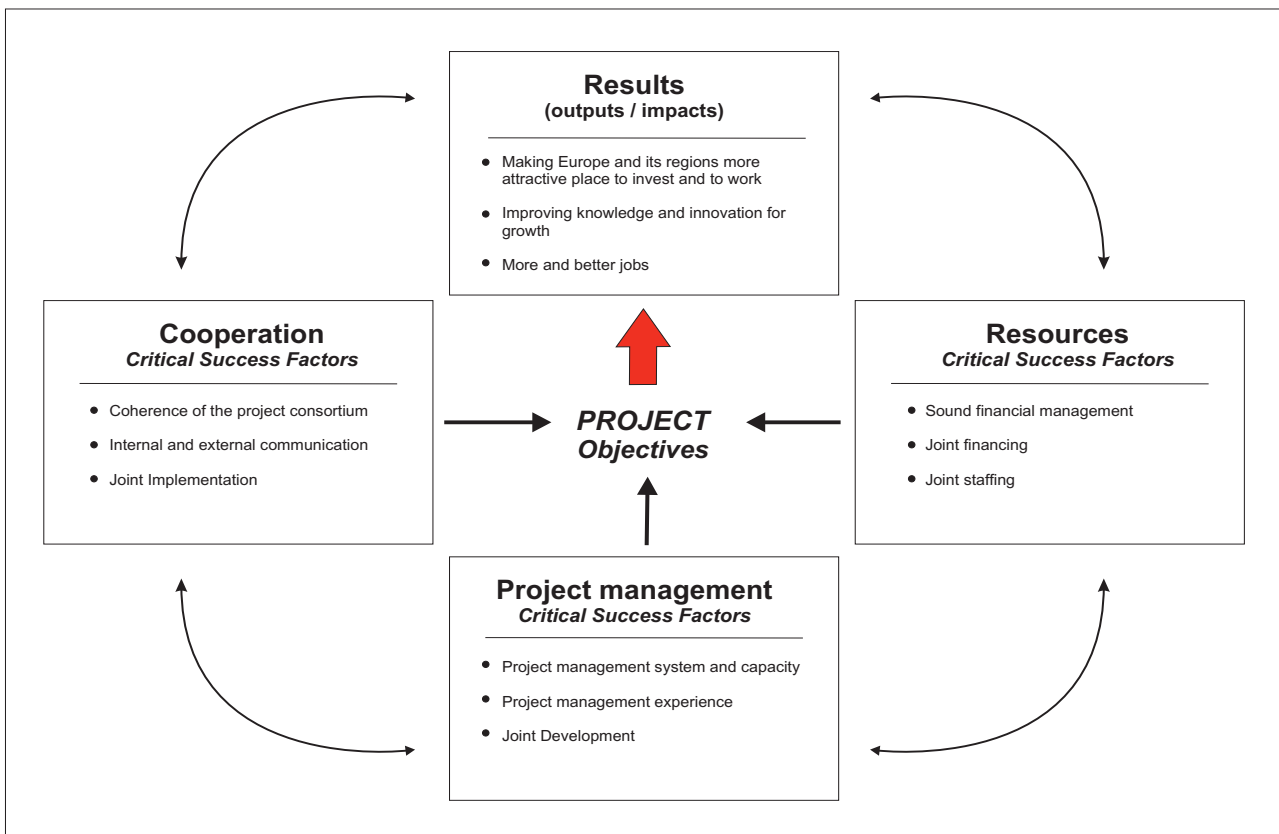
The core idea of the BSC is its multidimensional and balanced view on performance. The perspectives can be freely defined, but the idea is to highlight and to maintain focus. Thus, the framework should not in principle include more than 4 perspectives. As a model, the BSC includes

Figure 1: Matching of selected projects with the Lisbon pillars (second screening)<sup>9</sup>

	Macroeconomic foundation (1-6)	Knowledge and innovation for growth (7-9)	A more attractive place to invest and work (10-16)	Creating more and better work (17-24)
<b>Strand A</b> Cross-border		<ul style="list-style-type: none"> <li>•BRIDGES Marche: 5, 8, 16, 23</li> <li>•GALILEO: 8, 9, 15, 16</li> </ul>		
<b>Strand B</b> Trans-national		<ul style="list-style-type: none"> <li>•EMBRACE: 8, 9, 15</li> </ul>	<ul style="list-style-type: none"> <li>•I-Log: 8, 15, 16</li> <li>•I-Log Hun: 8, 15, 16</li> <li>•Smart Life: 8, 11, 16</li> <li>•InCluD: 8, 9, 14, 15</li> </ul>	<ul style="list-style-type: none"> <li>•SIMOCA: 9, 20, 23</li> </ul>
<b>Strand C</b> Inter-regional		<ul style="list-style-type: none"> <li>•CAPTURE: 8, 9, 15</li> <li>•STRATINC: 8, 9, 15</li> <li>•e-BIRD (RFO: 1+4 projects): 7, 8, 9, 15</li> <li>•STIMENT(RFO: 1+9 projects): 7, 8, 9, 15, 23</li> <li>•E-TEAMS: 8, 9, 15</li> </ul>	<ul style="list-style-type: none"> <li>•INNODEC: 8, 14, 15</li> <li>•ICN: 8, 10, 15</li> </ul>	



Figure 2: The ALSO Assessment Framework



The BSC model was considered highly useful and usable for the ALSO project characteristics in accordance with its assessment needs and objectives. Hence, a particular ALSO AF was designed introducing into the BSC model the particular critical success factors for a successful project.



critical success factors (CSF), which define the most important issues to be focused on in order to make a project/activity successful. A set of targets, measures and indicators are set for each of the CSF.<sup>10</sup>

The *results-output/impact dimension* are defined with reference to the Lisbon Strategy core fields, divided into policy guidelines and translated into strategic guidelines for regional cooperation.<sup>11</sup> Thus, the three broad results to be achieved by any evaluated project are *investment and work, knowledge and innovation* and *employment*. In line with its multidimensional view of BSC methodology, the core “enablers” (critical success factors) for the ALSO assessment are the other dimensions: *cooperation, resources and project management*.

From a “pyramidal” point of view, those three dimensions are the basis for achieving or leading the project to positive/good results. In this context, if a project aims via its *results* to achieve and/or contribute to the new Lisbon objectives, it needs to have accumulative positive and important implementing elements such as political leadership throughout the project, the creation of a solid consortium with clear and well-defined project tasks and division among the partners or well-established mechanisms to involve other partners in the project implementation and its communication. In the same context, prior EU, multilateral or bilateral project experience, and good administrative capacity are other criteria which the ALSO model considers as “facilitators” to carry out European funded regional and local development programmes.

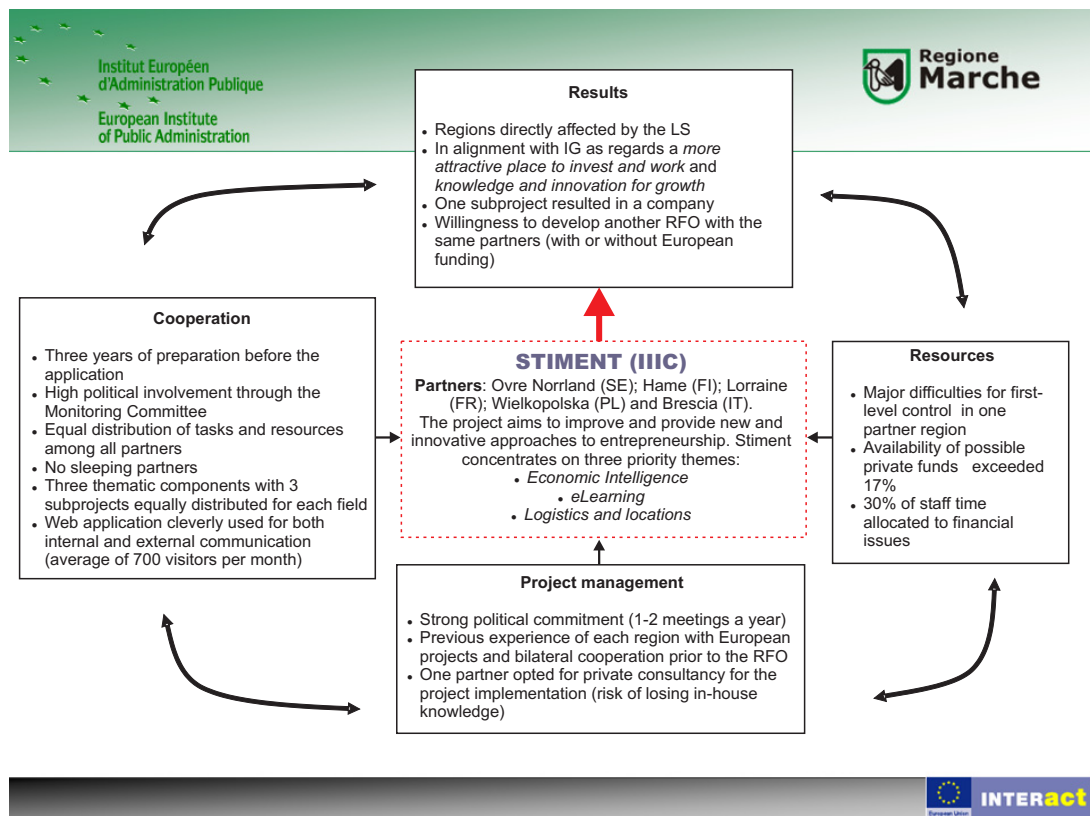
In the following paragraph, by way of illustrating the application and testing the ALSO Assessment Framework on a concrete case (the *STIMENT* – Stimulating New Ways of Entrepreneurship – practice, an INTERREG IIIC Regional Framework Operation) the potential of the developed tool will be further examined.

### The practice of *STIMENT*: an ALSO pilot case

Despite having driving forces such as excellent communication facilities, dynamic development in key sectors and highly acclaimed research, the region of Övre Norrland in North Sweden had gone through deep structural changes after the 70s, and suffered from a lack of active commitment to revitalising its entrepreneurial economy. As a consequence, the two county councils forming this Swedish region decided, among other things, to take advantage and make use of the European framework for inter-regional development to build a future action plan aimed at overcoming their own difficulties regarding the blocking of entrepreneurship. The *STIMENT* case, which ended in 2006, achieved remarkable results (see assessment below), and was acknowledged by Mrs Danuta Hübner, European Commissioner for Regional Policy, at a recent INTERREG Forum in Stockholm as a best practice example of a network between regions from different countries. This reward stemming from the European Commission did not only show the good results of this RFO, but also confirmed that the ALSO project is on the right track with what it is doing.

Firstly, within the *cooperation dimension*, we can highlight that a partnership including the regions of Övre Norrland, Häme (Finland), Wielkopolska (Poland), Lorraine (France) and Brescia (Italy) was created after three years’ preparation, a significant period to build a sound and well-structured partnership and mutual trust among the key stakeholders. The partners already had some experience in European project management on a bilateral basis and a consortium was set up in order to apply together for the RFO within the Community Initiative INTERREG III C. As a matter of fact, *STIMENT* was the first RFO in Northern Europe. The project structures its action to foster entrepreneurship, including different activities in three areas: *economic intelligence, e-learning and logistics and locations*.

Figure 3: The *STIMENT* project through the ALSO AF<sup>12</sup>



Another critical success factor concerning the project partnership is the use of the concept of exchanging experiences. Following the logic of exchanging practices and knowledge, and starting with the regional level as an innovative space and a base for growth and employment, the Brescia region is being taken as the "model" for the partners most in need of entrepreneurship. At the same time, Brescia had the opportunity to create innovative solutions for the problems of the developed regions, which are for the most part associated with stagnation in economic activity of some sectors. These innovative solutions could become an economic catalyst no matter whether we are talking about more or less developed regions.

Considering the limited impact that any project is likely to have if it does not maintain close ties with the policy-making level, it is worth pointing out the political commitment which has characterised the project. Not only the *cooperation aspect*, but also the *project management aspect* highlights the fact that STIMENT has successfully involved its political representatives throughout the project. The project's good management and promising results have spurred the partners (and their politicians) on to commit themselves to continuing the partnership, irrespective of whether or not they receive European funds next time.

The potential role of private funds in projects like STIMENT is also worthy of note and is pointed out through the *resources dimension*. In this case, the partnership could have obtained private funds amounting to 17% of the total for the operation, although the regulatory framework limited the participation of private funds to 10%. In the same context, one sub-project has ended up being converted into a private company and is now actively consolidating its operation.

In a nutshell, the robustness of the project allowed STIMENT to obtain a good *results dimension* in the ALSO assessment, i.e. a high potential impact and contribution to several Integrated Guidelines for Growth and Jobs in the area of *More attractive place to invest and work and Knowledge and innovation for growth*.<sup>13</sup>

### **Good vibrations for the future: the first ALSO Transnational Partner Workshop in Barcelona**

On 20-21 March 2006, the EIPA-ECR hosted the first ALSO Partner Workshop in Barcelona in order to present, discuss and further shape the work carried out by the ALSO SC during the first 8 months. In this context, the workshop was the first occasion to present, explain and test the performance measurement model and its first outputs which represented an ample opportunity for discussion and reflection among all the project partners on the interim work carried out so far.

Extensive brainstorming among the project partners at the first ALSO Workshop contributed to some interesting and new ideas which have had a clear influence on the later development of the project. Among them, the proposal to allocate a bigger weighting in the assessment to the *results dimension* should be highlighted, a thought already taken up by the SC meetings with a view to avoiding the risk of evaluating very well managed projects which are poor in delivering results under the Lisbon pillars. Other matters, such as the need to focus on who (which target group) will be the end user of the ALSO methodology and model (partners, INTERREG programmes, secretariats, public local and regional authorities, etc.) and at what moment (ex-ante, mid-term and/or ex-post) the model can be applied,

the search and use of quantitative regional indicators on Lisbon to measure precisely the *results dimension* (the mentioned set of indicators and calculation formula developed by ULB) or the importance of ALSO to show the impact of cooperation on territorial governance were discussed in-depth, assessed and subsequently developed further. It was unanimously agreed that the ALSO AF should position itself to be the desired linkage between the Lisbon Strategy and the INTERREG projects, thus providing added value and a tool for the future.

### **Regional Lisbon indicators, scoring, dissemination, etc: the current and future ALSO steps and prospects**

Following the first meeting in March, and in order to present a clear and balanced scoring of the 24 final projects analysed in depth, a list of regional indicators to be matched with each of the dimensions was developed by ULB and the Regional Council of Lorraine between April and July this year. Thus, a list of 20 regional indicators related to Lisbon Strategy objectives (for the *results dimension*) and 40 indicators to the other three dimensions was used by the ALSO SC to set the final scoring of the projects. The selected indicators are based on studies performed by the European Commission (EUROSTAT, DG REGIO), as well as other institutions working on the subject, such as STRINNOP, the Danish Technological Institute (DTI), etc. This ongoing work was discussed in October 2006 at the second ALSO Workshop in Barcelona along with the creation of an ALSO manual including best practices and the compilation of a checklist on how to bring new ideas for projects in line with the Lisbon targets and as such include them in the various forthcoming project proposals.<sup>14</sup>

With the end of INTERREG III by the end of 2006, and in agreeing a financial perspective for 2007-2013 where the Member States decided that a certain proportion of the resources<sup>15</sup> available should be allocated for investments in areas directly linked to the growth and jobs strategy, the ALSO project and its work are well situated to reinforce the role local and regional actors may play as "dynamotors" of the European economy and their big influence in planning and making the new *European Territorial Cooperation Objective* "a reality" in alignment with delivering sustainable growth and jobs.

For this reason, during the final quarter of the project duration (January till June 2007), it is foreseen that each partner responsible for a specific strand will organise a *Working Conference* in their respective territory to disseminate the results of the project undertakings as well as to promote the usage of the developed model. For the North strand, Turku (FI) will be the location, the South West activity will be held in Metz (FR) and for the Eastern Europe area Budapest (HU) has been chosen for this activity. These three events will be open to all regional and local authorities. Finally, as part of the project packages a final ALSO conference is planned in Ancona (IT), in the Marche Region in June 2007, where the ALSO final project results and outputs will be presented and shared with all those dealing directly with inter-regional cooperation projects.

The official ALSO project website ([www.alsoproject.eu](http://www.alsoproject.eu)) with all the information regarding the project (events, publications, results, etc.) is a good source for those interested in the ongoing activities and also provides a periodic newsletter. ::

## NOTES

- <sup>1</sup> Senior Lecturer and Project Leader, Finnish National Seconded and Student Assistant, EIPA-ECR Barcelona.
- <sup>2</sup> European Commission COM(2005) 141 final.
- <sup>3</sup> Presidency Conclusions of the Barcelona European Council 15-16 March 2002.
- <sup>4</sup> European Commission: Communication to the spring European Council: Working together for growth and jobs. Integrated guidelines for growth and jobs (2005-2008).
- <sup>5</sup> Florida, R. (2002): *The Rise of the Creative Class: And How It's Transforming Work, Leisure, Community and Everyday Life*. United States, Basic Books.
- <sup>6</sup> Committee of the Regions (2005): Regions and cities in the National Reform Programmes. December 2005. R/CdR 385/2005 item 13.
- <sup>7</sup> INTERACT is an abbreviation for INTERreg Animation Cooperation and Transfer.
- <sup>8</sup> During the whole project selection process, the ALSO SC has always ensured a balance among the INTERREG strands regarding the number of projects.
- <sup>9</sup> Heichlinger, A. and Määttä S., Presentation at the 2nd International Annual Conference on "The re-launched Lisbon strategy on partnership for growth and jobs and its regions: a reality check", Valencia, 12-13 June 2006.
- <sup>10</sup> See e.g. Määttä S. and Ojala T. (1999): *A Challenge for Balanced Success in the Public Sector. Towards More Proactive Strategic Management*, Ministry of Finance, Helsinki.
- <sup>11</sup> European Commission (2005) 0299: Cohesion Policy in Support of Growth and Jobs: Community Strategic Guidelines 2007-2013.
- <sup>12</sup> Heichlinger, A. and Määttä S, Presentation at the first ALSO Workshop in Barcelona, 20-21 March 2006.
- <sup>13</sup> More description of the results of the final assessment, its scoring and best practice selection, as well as the results of the recent second ALSO Workshop, will be published in EIPASCOPE in spring 2007.
- <sup>14</sup> Idem.
- <sup>15</sup> This so-called "earmarking" is confirmed in the regulation for Structural Funds which sets earmarking targets at 60% of expenditure for the Convergence objective and 75% of expenditure for the Regional competitiveness and Employment objective, applied as an average over the entire programming period of all Member States of the Union as constituted before 1 May 2004 (EC, MEMO/06/281).

### THE FOLLOWING ACTIVITIES TOOK PLACE DURING THE PERIOD COVERING THIS REPORT

11-12 July 2005, Brussels (BE)

**Kick-off conference on the INTERACT-ALSO Project** (Achievement of the Lisbon and Gothenburg Strategy objectives by INTERREG), in cooperation with the Committee of the Regions.

20-21 March 2006, Barcelona (ES)

**First Trans-national Partner Workshop on the ALSO Project**

16-18 October 2006, Barcelona (ES)

**Second Trans-national Partner Workshop on the ALSO project: A reality check and first results**

**I-VI ALSO Scientific Committee Meetings**, Brussels (BE)

2005: 10 July, 24-25 October and 2 December.

2006: 3 March, 16 June and 19 July.

### RELATED EIPA-ECR ACTIVITIES

2-3 October 2006, Turku (FI)

**High Level Meeting on European Governance and the EU**

Presentation of background paper on "Good governance in delivering sustainable growth: Regions and municipalities as promoters of the Lisbon Strategy" commissioned by the Finnish Presidency ([www.eu2006.fi](http://www.eu2006.fi)).

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## Forthcoming Seminars in 2007

# Public Procurement and Public Private Partnerships

### **INTRODUCTORY & PRACTITIONERS' SEMINAR**

#### **EUROPEAN PUBLIC PROCUREMENT RULES, POLICY AND PRACTICE,**

*Maastricht, (26) 27 February-1 March 2007 and (17) 18-20 September 2007 \**

The prime aim of the Introductory & Practitioners' Seminars is to present and explain the EC rules and principles on public procurement in an accessible way and to enhance awareness of professional procurement practices. Most importantly, the seminars will offer an excellent opportunity for participants to exchange experiences and concerns in dealing with public procurement, and will present ways to perfect their purchasing activities.

### **PRACTITIONERS' SEMINAR ON PUBLIC-PRIVATE PARTNERSHIPS (PPP),**

*Maastricht, 16-18 April 2007 and 1-3 October 2007 \*\**

The PPP practitioners' seminars, led by experienced practitioners, aim to share practical experience of planning, procuring and managing PPP and provide an update on emerging best practice in PPP in Europe.

### **EUROPEAN DEFENCE PROCUREMENT – POLICY SEMINAR,**

*Maastricht, 7-8 May 2007 and 19-20 November 2007 \**

The policy seminar on European Defence Procurement aims to present and discuss the current situation and future developments in the field of defence procurement. In particular, the seminar will examine the initiatives of the European Defence Agency (EDA) and the European Commission which aim to open up defence procurement to competition and to create a common European Defence Equipment Market (EDEM).

### **PUBLIC PROCUREMENT – LEGAL SEMINAR: RECENT DEVELOPMENTS IN EUROPEAN PUBLIC PROCUREMENT AND RELEVANT CASE LAW OF THE EUROPEAN COURT OF JUSTICE**

*Maastricht, 4-5 June 2007 \**

The legal seminar on public procurement aims to present and discuss recent developments in European public procurement. Considering the growing significance and impact of ECJ case law for and on European public procurement policy and legislation, special attention will be paid to recent developments in ECJ case law in the field of procurement.

### **PROCUREMENT AUDIT PRACTITIONERS' SEMINAR**

*Maastricht, 2-3 July 2007 \*\**

The procurement audit practitioners' seminar will be led by practitioners responsible for auditing national and sub-national government, with particular emphasis on major procurements such as PPP. The style of the seminar will be interactive and practical, using case studies as the main means of sharing experiences.

### **PPP POLICY SEMINAR**

*Maastricht, 3-4 December 2007 \*\**

EIPA's annual PPP policy seminar aims to discuss topical issues relevant to public-private partnerships in Europe, bringing together key stakeholders to develop a common assessment of the risks, opportunities and challenges in key emerging areas of debate relevant to PPP.

For more information, please contact:

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Website: <http://www.eipa.eu>



Forthcoming seminars in 2007

# European Information and Communication Management

EIPA has longstanding and in-depth experience in delivering training courses, seminars and conferences in the field of European information and communication management. In 2007, EIPA will again organise a series of seminars on this subject. The various training courses are designed for both experienced EU information and communication specialists and those new to the subject.

**TRAINING COURSE****EUROPE ON THE INTERNET***Maastricht, 26-27 March and 4-5 October 2007****Finding your way through the European Information Jungle***

Learn how to quickly and efficiently find useful information through a wide-range of free and commercial internet resources dealing with European issues and policies. During the course, you will have the opportunity to:

- have practical experience in using the key EU websites and databases (including EUR-Lex, OEIL and PreLex);
- learn what they cover and how to access them;
- compare the different existing sources of information.

A special session will be dedicated to the EU public procurement, grants and funding opportunities and statistics information.

Pleasant atmosphere, expert trainers' advice and guidance and plenty of hands-on time combined with practical exercises: these are the right ingredients of our successful training. During the training course, laptops will be available for all participants.

**ONE-DAY SEMINAR****WHO'S AFRAID OF EUROPEAN INFORMATION?***Brussels, 4 June 2007****EU Policy Making and Information Implications***

A seminar introducing the key information sources to help you find out about the institutions, laws and policies of the European Union. In addition, the focus will be on the information implications of the evolving EU policy-making processes and the enlargement of the EU, the increasing trend towards electronic dissemination of information, and the role of information and communication in the debate on improving European governance.

**CONFERENCE****KEEP AHEAD WITH EUROPEAN INFORMATION AND COMMUNICATION IN THE ENLARGED EUROPE***Maastricht, 29-30 November 2007****Information and Communication Strategies***

Annual conference aimed at experienced European information and communication professionals. It will seek to discuss new and important issues, products and services of interest to those who work with European information and European affairs. Particular attention will be focused on the latest developments in the field of information and communication policy and strategies and the implications of the evolving policy-making process in the European Union.

**In addition to the activities described above, customised versions of the seminars can be held at your organisation to suit your particular needs.**

Project Leader: *Mr Cosimo Monda,*  
*Senior Lecturer & Head of Information, Documentation, Publications and Marketing Services*

For more information and/or registration, please contact:

*Ms Joyce Groneschild, Marketing & Information Coordinator/Programme Organisation, EIPA*  
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Website: <http://www.eipa.eu>

*European Agencies*Seminar

# FASHION OR NECESSITY?

## Comparing experiences gained with EU agencies

Maastricht (NL),  
29-30 January 2007



organised by **European Institute of Public Administration (EIPA)**  
in collaboration with **University of Maastricht (UM), Faculty of Law**

**Objective:**

The objective of our EU agency activities is to provide a forum for national officials, EU officials and representatives of EU agencies to discuss the operations of EU agencies and agency-type structures. We will discuss the added value of EU agencies, explore trends in their design and discuss the experiences gained with the new EU policy-making instrument.

**Description:**

This seminar provides an overview of issues related to (the establishment of) EU agencies. In many areas are discussions going on about creating or (re-) forming EU agencies. Where EU agencies – or agency-type structures – already exist are often discussions going on related to whether more or less ‘centralization’ is needed and their tasks should be enlarged. Those involved in (re-)negotiations of an EU agency are confronted with a range of thorny questions related to political supervision, limits of independence, role of national authorities, network organization and extent of centralization of tasks, etc. The seminar will discuss some of the most pressing issues related to agencies and cover, among others, the reasons for creating EU agencies, the advantages of agencies, design issues (related to efficiency and control), the differences between agencies, and the difference between an EU agency and more of a network arrangements. Moreover, we will review practical experience gained that may relevant for other policy fields.

**Target group:**

The seminar is aimed at officials and experts from Member States and from EU institutions working with or at EU agencies. Experts from NGOs and law firms are also welcome to participate. Throughout the session we will ensure ample room for discussion.

**Method:**

The seminar will be organised around presentations from leading experts, workshops to gather experiences from participants and panel discussions. This approach offers the possibility to discuss the latest trends and to exchange views among experts and officials involved in different kinds of agency structures.

**Organisation:**

This seminar is part of a series of activities that EIPA organizes on EU agencies together with the Law Faculty of Maastricht University.

**Project No.:** 0711201

For more information and registration forms please contact:

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or consult our website:  
<http://www.eipa.eu>



**CERTH**  
The Centre for Research and Technology Hellas

MODINIS Lot 2 Workshop 8

# Good Practice on Interoperability in Administrative Practice at Local and Regional Level Key Success Factors and Recommendations on Interoperability

Organised by

**Sylvia Archmann, Project Leader**  
European Institute of Public Administration (EIPA)

and the Consortium Partners

**Institut für Informationsmanagement Bremen (ifib)**  
**Centre for Research and Technology Hellas / Informatics and Telematics Institute (CERTH/ITI)**

*Brussels (BE), 30 January 2007*

## OBJECTIVES



The MODINIS Study on Interoperability at Local and Regional Level aims at identifying relevant good practice in technical, semantic and organisational interoperability to include them in the eGovernment Good Practice Framework of the European Commission and to conduct a good practice study on interoperability.

The MODINIS project started in January 2005 and ends in February 2007. This workshop will be the final event for the MODINIS Lot 2 Study on Interoperability at Local and Regional Level, mainly focusing on disseminating the final achievements and results discovered within the past 2 years on interoperability issues on local and regional level. In three panels recommendations, key success factors and barriers of interoperability will be discussed comparing different approaches. Panelists will be invited from different good practice projects spread across Europe.

This eighth workshop is the final one out of a series based on exchange and dissemination of experience. Therefore the objective of this eighth study-workshop is to provide an opportunity for the exchange of experience between "Champions" who already have successfully achieved interoperability in eGovernment applications on the local and regional level and those who are in the process of working on this.

In addition, participants will have the opportunity to ask questions to the presenters and panelists. The questions and answers will be documented by rapporteurs and provide additional insight into the information needs with regard to interoperability. Attendance of the workshop is free of charge.

*For latest updates on the programme and further information please visit  
the eGovernment Good Practice Framework site ([www.egov-goodpractice.eu](http://www.egov-goodpractice.eu))*

or contact:

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Seminars

# Understanding Decision-Making in the European Union: Principles, Procedures, Practice

*Maastricht (NL),*

*22-23 February 2007 / 31 May-1 June 2007*

*20-21 September 2007 / 22-23 November 2007*

This two-day course provides an intensive introduction to the EU institutions and the different ways in which decisions are now reached in the European Union.

Participants are not only given a clear and concise explanation of the underlying principles and the main procedures involved. They are also offered insight into how EU legislation is generated in practice. A half-day simulation exercise gives them a personal feel for the dynamics and demands of participation in Council Working Groups. A case study then helps to appreciate the multiple interactions between different interests which are involved, as they are taken through the negotiation of a directive under the codecision procedure.

The course also helps participants to understand what is involved in the debates over "Better Regulation" and "Better Lawmaking", through an overview of policy coordination and alternative methods of regulation. Finally, it outlines the main aspects of intergovernmental cooperation in foreign and security policy.

The groups consist primarily of public officials from across the EU member states as well as from the institutions, thus permitting a focussed exchange of experiences about the challenges of participation in EU policy processes.

The seminars will be held in English with simultaneous translation in French.

**Project Nos:** 0712201, 22-23 February 2007  
0712202, 31 May-1 June 2007  
0712203, 20-21 September 2007  
0712204, 22-23 November 2007

For more information and registration forms, please contact:

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Séminaires

# Comprendre le processus décisionnel de l'Union européenne: Principes, procédures et pratique

Maastricht (NL),

22-23 février 2007 / 31 mai-1<sup>er</sup> juin 2007

20-21 septembre 2007 / 22-23 novembre 2007

Cette formation intensive de deux jours propose une introduction approfondie sur les institutions européennes et les méthodes de décision utilisées actuellement dans l'Union.

L'objet du séminaire est de donner une explication claire et concise des principes fondamentaux et des procédures essentielles qui sous-tendent la prise de décision à l'échelon européen. Il vise également à éclairer les participants sur le processus d'élaboration du droit communautaire dans la pratique. Le séminaire comportera un exercice de simulation durant une demi-journée, permettant aux participants de prendre conscience de la dynamique et des exigences liées à la participation aux groupes de travail du Conseil. Dans le cadre de la négociation d'une directive selon la procédure de codécision, cette formation décrira à partir d'une étude de cas les multiples interactions entre les différents intérêts en jeu.

Le séminaire offrira une vue d'ensemble de la coordination des politiques et d'autres méthodes de réglementation afin d'aider les participants à comprendre ce que l'on entend par "Mieux réglementer" et "Mieux légiférer". Enfin, les principaux aspects de la coopération intergouvernementale en matière de politique étrangère et de sécurité seront également évoqués.

La formation s'adresse avant tout aux fonctionnaires des Etats membres et des institutions de l'UE de manière à favoriser un échange ciblé d'expériences sur les défis de la participation aux processus politiques européens.

Les séminaires se tiendront en anglais, avec traduction simultanée en français.

**Numéros de projet:** 0712201, 22-23 février 2007  
0712202, 31 mai-1<sup>er</sup> juin 2007  
0712203, 20-21 septembre 2007  
0712204, 22-23 novembre 2007

Pour toute demande d'information ou inscription, adressez-vous à:

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Site de l'IEAP: <http://www.eipa.eu>

Introductory & Practitioners Seminars:

# European Public Procurement Rules, Policy and Practice

Maastricht (NL),  
(26\*) 27 February-1 March 2007 and (17\*) 18-20 September 2007

The European Institute of Public Administration is organising *Introductory & Practitioners Seminars* on "European Public Procurement Rules, Policy and Practice" which will take place at the European Institute of Public Administration in Maastricht (NL), on 27 February-1 March and 18-20 September 2007.

\*Prior to the seminars, EIPA will provide a basic introduction to European Public Procurement for newcomers to procurement or non-procurement persons on 26 February and 17 September 2007. These one-day seminars will only take place if there is sufficient demand.

**Objectives:**

The primary aim of the *Introductory & Practitioners Seminars* is to present and explain the EC rules and principles on public procurement in an accessible way and to enhance awareness of professional procurement practices. The seminars will also include an interactive workshop with specific cases. Most importantly, the seminars will offer an excellent platform for participants to exchange experiences and concerns in dealing with public procurement, and will present ways to perfect their purchasing activities.

**Target Group:**

The seminars are intended for public officials from national, subnational and local authorities and other public bodies of the EU Member States, European institutions and associated countries who wish to familiarise themselves with European public procurement rules, policy and practice, as well as for other interested persons working in this field.

**Contents:**

- An Overview of the Legislative Package
- EC Rules and Case Law
- EC Rules in Utilities and Case Law
- Enforcement of the Procurement Regime: Remedies Directives, Case Law and the Current Remedies Reform
- Recent Developments in European Public Procurement: Concessions and PPPs, etc.
- International Aspects of European Public Procurement
- The Procurement Process – The Practice
- Working Groups: The Procurement Process – Cases

The seminars will be conducted in English. Simultaneous interpretation into French will be provided, subject to a minimum number of participants requiring translation.

**Project No.:** 0730801

**For background information on public procurement in Europe and EIPA activities related to public procurement, please consult: <http://www.eipa.eu/index.asp?option=topics&id=30>**

For more information and registration forms please contact:

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<http://www.eipa.eu>

Seminar

# Latest Developments in European Family and Succession Law

*Luxembourg (LU),  
8-9 March 2007*

**Theme and Objectives:**

This seminar will provide a forum for discussion where experts – speakers as well as members of the audience – will be able to discuss and share experience in order to assess the current state of family and succession law in Europe. Family mediation, matrimonial and parental responsibility matters, including the new Brussels regime and the proposed Rome III Regulation, matrimonial property regimes, maintenance, succession law and family reunification will be among the topics covered. In addition, to make this seminar as practical as possible, different case studies on the abovementioned areas will be presented and discussed.

**Target group:**

Lawyers, notaries, judges, national and EU officials, representatives of NGOs and family law associations, academics.

The working languages will be French and English, with simultaneous interpretation between the two languages.

**Registration fee:**

€700 or €650 if you register and pay before 31 January 2007.

**Project No:** 0750501

For more information and/or registration forms, please contact:

*Ms Stéphanie Boudot-Comodi, Programme Organiser, EIPA  
European Centre for Judges and Lawyers  
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Séminaire

# Évolutions récentes du droit européen de la famille et des successions

Luxembourg (LU),  
8-9 March 2007

**Thèmes et objectifs:**

Ce séminaire se veut un forum de discussion permettant aux experts – qu'ils soient orateurs ou participants – de se rencontrer pour partager leur expérience et faire le point sur le droit de la famille et des successions en Europe. Le séminaire évoquera différents thèmes tels que la médiation familiale, les affaires matrimoniales et la responsabilité parentale, y compris le nouveau régime de Bruxelles et la proposition de règlement "Rome III", les régimes matrimoniaux, les obligations alimentaires, le droit des successions et le regroupement familial. Afin d'aborder ces questions de manière pratique, différentes études de cas seront également présentées et analysées.

**Groupe ciblé:**

Ce séminaire s'adresse aux avocats, aux notaires et aux magistrats, aux fonctionnaires nationaux et européens, aux représentants d'ONG et d'associations dans le domaine du droit de la famille, ainsi qu'aux universitaires.

Les langues de travail seront le français et l'anglais avec interprétation simultanée.

**Droits d'inscription:**

€700 ou €650 si inscription et paiement reçus avant le 31 janvier 2007.

**Numéro de projet:** 0750501

Pour plus d'information et/ou formulaire d'inscription, merci de contacter:

Mme Stéphanie Boudot-Comodi, Organisatrice de Programmes, IEAP  
Centre européen de la Magistrature et des professions juridiques  
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Master classes

## European Integration and Regionalism

Module IV on *Regional and Social Cohesion*

Barcelona (ES), 19-30 March 2007

Organized by the  
European Institute of Public Administration – European Centre for the Regions (EIPA-ECR),  
Antenna Barcelona ([www.eipa.eu](http://www.eipa.eu))

in the framework of the  
Master Programme in European Integration and Regionalism (MEIR)  
([www.eurac.edu](http://www.eurac.edu))

**Description:** Taking up a medieval European tradition, our participants will not study the EU integration process from a single perspective within the European Union, but rather go on an exciting trip taking them to various centers of excellence in various EU countries. This will give them the possibility to grasp the meaning of the European Union's motto "United in Diversity".

An *innovative* element of the Master is that applications/registrations can be made either to the full programme or to *single modules* of interest to the individual applicant. This announcement and invitation is related to the Module IV on *Regional and Social Cohesion* which will take place in March 2007 in Barcelona, the capital of the Spanish Autonomous Community Catalonia and for which a limited number of additional places has been reserved.

**Objectives:** As regards the module on *Regional and Social Cohesion*, it will provide a thorough understanding of how regions may steer their own economic destiny. In order to take full advantage of EU regional policy and funds, civil servants have to be familiar not only with the funding schemes as such, but also with policies on technology and innovation and practices on how to build successful and sustainable inter-regional partnerships. The second part of the module will also deal with the EU measures against social exclusion, principles in the area of employment, gender and anti-discrimination policies and affirmative action under European law.

**Target group:** Becoming a member of a small group of hand-chosen students and practitioners taking part in the Master Programme gives future leading experts the chance to travel Europe and study its major trends, underlying legal structures and political processes in an interdisciplinary, high-level programme. This Master Programme consists of *ve* Modules which take place in four European cities: Bolzano/Bozen (Italy), Luxembourg (Luxembourg), Graz (Austria) and Barcelona (Spain).

**Method:** The classes are *highly interactive* combining presentations both by internal and external experts and by the participants with group exercises, case studies and workshops, and it includes several study visits to regional and local bodies.

**Working language:** English

**Project No.:** 0762001

Project Leader: Mr Alexander Heichlinger, Senior Lecturer, EIPA-ECR Barcelona

Further information, please contact:

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## Seminar

# Citizens and the Digitisation of Public Administration

*Maastricht (NL),  
April 2007 and November 2007*

### **Target Group:**

The seminar is intended for public officials from all levels of public administration who wish to familiarise themselves with the key aspects of eGovernment, interoperability, stakeholder needs and practice in this area.

### **Description:**

The seminar will consist of two main sections. First, the future and key concepts of eGovernment will be presented on the basis of the i2010 action plan (eEurope strategy for information technology) and the eEurope Awards. The importance of interoperability, including the different layers (semantic, technical and organisational), and situations in which interoperability occurs will be addressed. In addition, the seminar will discuss opportunities for knowledge management and eGovernment.

The second part will set out key success factors and barriers in running eGovernment projects, and will involve 2003/2005 eEurope Award winners. Analyses by the case owners will be followed by a discussion session. The closing discussion on eGovernment will give participants the opportunity to follow up and share experience and lessons learnt during the seminar.

### **Method:**

Theoretical and practical examples of eGovernment and interoperability will be presented by high-level practitioners and representatives of universities. The theoretical knowledge thus acquired can be applied during workshops in open discussions and question & answer sessions.

The seminar will be held in English.

Project Leader: *Ms Sylvia Archmann, Seconded National Expert*

For further information, please contact:

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E-mail: n.brouwers@eipa-nl.com*

Series of practical seminars

# How to Develop a Convincing Project and Strategy for EU Funding: Do's & Don'ts for Local and Regional Actors

*Barcelona (ES),  
23-25 May 2007 and 1-3 October 2007*

**Objectives:**

Based on the co-funding principle, EU aids and programmes are a rich well of resources for European municipalities and regions. The final decision for the new programming period 2007-2013 came late, which does not mean though that EU financial involvement in all the Member States will decrease. On the contrary, there are hundreds of EU support actions available to regional and local players.

In this sense, the funds' pot is big, with room for the renewed cohesion policy instruments (ERDF, ESF, CF), with a budget exceeding 308,000 MEUR (much higher than the budget of the previous period); those of the VII Framework Programme (53,000 MEUR); or those of other initiatives which are less known or very specific, such as the new instruments JASPERS, JEREMIE and JESSICA that include funding by international financial institutions (e.g. European Investment Bank); and many others too.

Indeed, this is a wide range; but one should not forget that there are new transversal elements such as the Strategy for Growth and Jobs (the "New Lisbon"). The new strategy will influence the access to aids since for the new period its objectives should be reflected in the proposals requesting EU funding.

For all these reasons and given the value of the funds and the new scenario represented by the new programming period, local and regional players should be well prepared to seize this opportunity. Each programme or initiative has its own objectives or peculiarities, but as far as the "basic rules of the game" are concerned (e.g. submission of the proposal, management and invoicing, etc.), elements converge and can be illustrated under a harmonized pattern.

**Target Groups:**

If you work in a regional or local public administration, authority or body, involved in or in charge of the design, development, implementation and impact assessment of projects subject to the compliance of European fund resources, this practical seminar will be of great added value to you. The seminar will also be of particular interest to those persons, NGOs, associations, university departments, consultants who are planning – for the first time – to apply with their project ideas (and "every region, municipality or body has something to offer") to such EU tenders and therefore would like to gain both insight knowledge and know-how to convert their application and project performance into a success. In addition, it will offer them – by mere participation – to network with peers of same interest and the potential to identify new partners for future projects.

**Method:**

Utilizing a variety of training methods (i.e. short lectures and presentations including and referring always to concrete examples, group discussions and interactive exercises on a real case preparation), this seminar will address many issues and provide participants with practical advice and techniques as well as exchange of experiences to enable them to deliver a convincing proposal, to establish sustainable local and regional partnerships and strategies and align them to the Lisbon targets, to build capacities and communicate results, hence to develop added-value projects for its territory. It will thus allow the local and regional participants to grab in a snapshot the most relevant guiding principles and rules when it comes to prepare a bid for EU funding and increase their absorption capacity.

**Working language:** English/Spanish.

Project Leader: *Mr Alexander Heichlinger, Senior Lecturer, EIPA-ECR Barcelona*

Further information, please contact:

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## Seminar

# Managing Change in Public Administration

*Maastricht (NL),  
4-5 June 2007 and 8-9 October 2007*

### **Target Group:**

The seminar is intended for public officials from all levels of public administration and other public bodies who deal with change, organisational development and quality management. It addresses both, participants who already faced or are involved in or who have to implement and carry out change management processes.

### **Description:**

The seminar will focus on the principles of managing change in public administration. Basic theoretical concepts of change management will be presented by high-level practitioners and representatives of universities. Furthermore, recommendations for actions with a focus on skills and competencies required for future change management techniques mainly focusing on eGovernment will help participants to determine opportunities for civil servants in this context. Workshops and plenary sessions will give participants the opportunity to exchange experiences on successfully accomplished processes, obstacles and feelings involved when facing change. A concluding workshop on critical success factors and barriers regarding change management will help participants in applying the theoretical knowledge acquired to daily challenges.

### **Method:**

Presentations will be held on theoretical issues on how to manage change in public administration; the involvement of civil servants will increase participants' knowledge in this field. Furthermore, examples from real life will be given by several good practice examples of successful accomplished change management strategies. And last but not least, participants will have the opportunity to discuss and exchange experiences in workshops and plenary sessions.

The seminar will be held in English.

**Project Nos:** 0725001, 4-5 June 2007  
0725002, 8-9 October 2007

Project Leader: *Ms Sylvia Archmann, Seconded National Expert*

For further information, please contact:

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III Annual Practical Seminar

# EU Communication in a Regional and Local Context: Planning, Structuring & Transmitting European Information and Campaigns

*Barcelona (ES), 5-6 November 2007*

**Target Group:**

If you work in a regional or local public administration or authority, and find yourself not only competing with others in similar positions, but with NGO's, lobbyists and opposition politicians for valuable but limited communications opportunities on European affairs, this seminar will be of benefit to you. The seminar will also be of particular interest to people in a variety of roles such as press officers, (political) spokespersons or officials who are required to deliver key messages directly or indirectly on the European integration process, its challenges, burdens etc., and to those managers whose area of responsibility includes a substantial communications brief.

**Description:**

In line with the new motto of "Listening, communicating and going local", the European Commission (led by Commissioner Margret Wallström) intends to overcome past omissions and weaknesses such as communicating messages reflecting only political priorities, but not the needs/necessities of the European citizens; or mainly conceptual strategies which have little direct influence on administrative actions etc.

The new EC Action Plan aims therefore to emphasise dialogue as a pre-requisite of communication (i.e. "two-way" and not "one-way street"); explaining and using modern communication tools (such as the media, internet etc.) as early as possible and by linking to "clients" (citizens) daily life; as well as better coordination on the formulation of information and messages through local networks (such as the EC representations in the Member States, NGOs, regional and local bodies etc.). Several initiatives are now being launched to meet the requirements of a modern European service authority on communication, public relations and information campaigns. In this context, regions and municipalities are closest to these clients, i.e. both its citizenship and enterprises. Hence, they are not only invited, but requested to deliver and disseminate up-to-date European knowledge (e.g. recent summit conclusions) as well as know-how (e.g. dissemination of European funded project, results and information on new tender procedures, call etc.).

**Objectives:**

In view of the above, and if you want to deliver successful EU communications, information and campaigns and compete effectively in today's information laden society, this seminar will provide you with an excellent introduction to planning, implementing and monitoring modern EU communications in a regional and local context.

**Method:**

Utilizing a variety of training methods (i.e. lectures and presentations, group discussions and interactive exercises), this seminar will address many issues and provide participants with practical advice and techniques to enable them to deliver effective communications, information and campaigns on issues related to the European integration process.

**Working language:** English/Spanish.

Project Leaders: *Mr Alexander Heichlinger, Senior Lecturer, EIPA-ECR Barcelona*  
and *Mr Tony Bass, Seconded National Expert, EIPA Maastricht*

Further information, please contact:  
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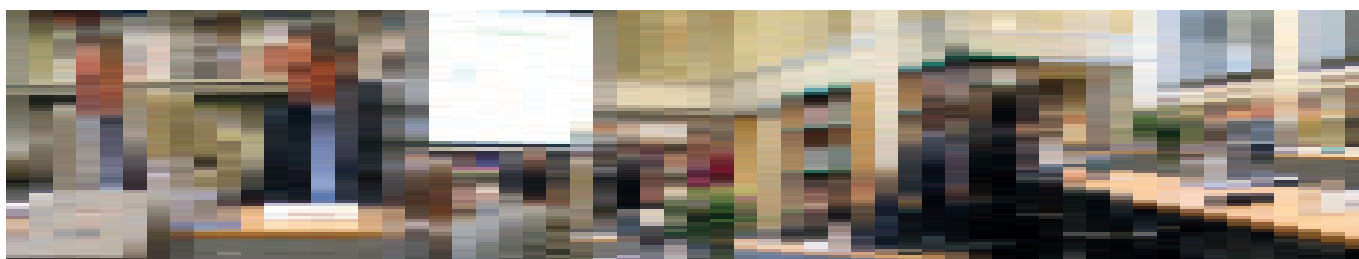
# Provisional List of Open Activities 2007

## January 2007

LOCATION	PROJECT NO.
<b>MAASTRICHT</b> 29-30 January 2007 European Agencies Seminar: FASHION OR NECESSITY? – Comparing Experiences Gained with EU Agencies	0711201
<b>LUXEMBOURG</b> 25-26 January 2007 Seminar: Press Relations for Courts, Magistrates and Lawyers	0751901
<b>BRUSSELS</b> 26 January 2007 Seminar for National Judges – Article 7 of Framework Directive 2002/21/EC	0737101

## February 2007

LOCATION	PROJECT NO.
<b>MAASTRICHT</b> 8-9 February 2007 Seminar: Europees Milieu- en Waterbeleid en de Nederlandse Provincies	0720701
22-23 February 2007 Seminar: Understanding Decision-Making in the European Union: Principles, Procedures and Practice	0712201
22-23 February 2007 Seminar: The Presidency Challenge – The Practicalities of Chairing Council Working Groups	0713301
26 February-1 March 2007 Introductory and Practitioners Seminar: European Public Procurement Rules, Policy and Practice (on 26 February 2007) prior to the seminar EIPA will provide a basic introduction to European Public Procurement for newcomers to procurement or non-procurement persons)	0730801
<b>MILAN</b> 1-2 February 2007 International Seminar: Portability of Pension Rights and Coordination of Social Policy Systems	0772601
8-9 February 2007 Seminar: Preparing the European Social Fund (ESF) 2007-2013: New Priorities for Employment and Skills	0770301





**March 2007**

LOCATION	PROJECT NO.
<b>MAASTRICHT</b>	
1-2 March 2007 Interactive Workshop: How to Communicate Europe Effectively	0720101
12-14 March 2007 Séminaire: Comités et comitologie dans le processus politique de la Communauté européenne	0710003
15-16 March 2007 Seminar: Financial Services and Competition Issues in the European Union	0732601
19-30 March 2007 Master and Individual Courses in European Integration and Regionalism (MEIR) – Module IV: Regional and Social Cohesion	0762001
22-23 March 2007 Seminar: Evaluation and Monitoring of EU Structural Funds.	0730201
26-27 March 2007 European Information and Communication Management – Europe on the Internet – Finding your Way through the European Information Jungle	0711001
29-30 March 2007 Seminar: State Aid Policy and Practice in the European Community – An Integrative and Interactive Approach	0731201
<b>LUXEMBOURG</b>	
1-2 March 2007 Seminar: The EU Regime on Consumer Safety	0751501
8-9 March 2007 Seminar: Latest Developments in European Family and Succession Law	0750501
19-21 March 2007 Seminar: Pleading before the European Court of Justice and the Court of First Instance	0752201
<b>BRUSSELS</b>	
20-22 March 2007 Seminar: European Negotiations I, Techniques to Manage Procedures, People and Package Deals to Survive in European Negotiations	0710901

**April 2007**

LOCATION	PROJECT NO.
<b>MAASTRICHT</b>	
3-4 April 2007 Seminar: Financial Management of EU Structural Funds	0730204
16-20 April 2007 Tutorials: EU Law for Non-Lawyers	0731901
16-17 April 2007 Seminar: Europe Decision-Making & Financial Management	0712601
16-18 April 2007 Public Private Partnerships (PPP) – Practitioners' Workshop: Making Public-Private Partnerships Work – A Practical Guide	0730601
19-20 April 2007 Seminar: European Negotiations II, You and the EU: Techniques to Manage Interpersonal and Intercultural Relationships in European Negotiations	0711401
19-20 April 2007 Workshop: State Aid Procedures and Enforcement	0731202
26-27 April 2007 Seminar: Developing Public Administration in a Changing World	0720201
<b>LUXEMBOURG</b>	
16-17 April 2007 Seminar: CAF and Justice – Quality Development in the Field of Justice	0752301
26-27 April 2007 Seminar: Current Status and Future Prospects in European Company Law and Tax Law/ Droit européen des sociétés et droit fiscal européen: l'état actuel et perspectives futures	0755101

**May 2007**

LOCATION	PROJECT NO.
<b>MAASTRICHT</b>	
7-11 May 2007 Tutorials: EU Recht für Nichtjuristen	0732401
7-8 May 2007 Public Procurement Policy Seminar on European Defence Procurement	0730802
7-11 May 2007 Seminar: Der politische Entscheidungs- und Umsetzungsprozess in der Europäischen Union und seine Bedeutung für die Bundesländer, for German Länder Officials	0730701
10-11 May 2007 Seminar: Implementing the New Structural Funds Regulations	0730202
14-16 May 2007 Seminar: The Internal Market in Healthcare Part I: The Freedom of Movement of Professionals and Patients, their Protection against Malpractice and the Payment for "Foreign" Treatment	0732301
21-25 May 2007 Tutorials: Droit européen pour non-juristes	0732001
30 May-1 June 2007 Séminaire: Introduction au système de la reconnaissance des diplômes	0731501
31 May-1 June 2007 Seminar: Understanding Decision-Making in the European Union: Principles, Procedures and Practice	0712202
<b>LUXEMBOURG</b>	
10-11 May 2007 Seminar: Services Directive	0751201
24-25 May 2007 Seminar: Recent Developments in Commercial Law	0753701

**June 2007**

LOCATION	PROJECT NO.
<b>MAASTRICHT</b>	
4-5 June 2007 Public Procurement Legal Seminar: Recent Developments in European Public Procurement and Relevant Case Law of the European Court of Justice (ECJ)	0730803
4-5 June 2007 Seminar: Equality and Non-Discrimination	0720801
4-5 June 2007 Seminar: Managing Change in Public Administration	0725001
7-8 June 2007 Seminar: The Presidency Challenge – The Practicalities of Chairing Council Working Groups	0713302
11-13 June 2007 Seminar: European Negotiations I, Techniques to Manage Procedures, People and Package Deals to Survive in European Negotiations	0710902
13-15 June 2007 Seminar: CAF (Common Assessment Framework) and BSC (Balanced Score Card)	0720601
14-15 June 2007 Seminar: Managing Culture in Public Administration	0720501
20-22 June 2007 Seminar: Committees and Comitology in the Policy Process of the European Community	0710001
21-22 June 2007 Seminar: EU Banking and Financial Law: Dynamic Consolidation	0730001
21-22 June 2007 Interactive Workshop: How to Communicate Europe Effectively	0720102
25-26 June 2007 Seminar: Financial Management of EU Structural Funds	0730205
28-29 June 2007 Advanced State Aid Seminar and Maastricht Forum on State Aid	0731203

**LUXEMBOURG**

4-5 June 2007

Seminar: Alternative Dispute Resolution in the European Union

0751801

14-15 June 2007

Fourth Annual Seminar: European Food Law: New Rules and Increased Responsibilities

0750001

28-29 June 2007

Seminar on Asylum and Immigration

0750401

**BRUSSELS**

4 June 2007

One-day Seminar: European Information and Communication Management –  
Who's Afraid of European Information? EU Policy-Making and Information Implications

0710201

5-6 June 2007

Seminar: How Can Member States Effectively Influence Community Decision-Making:  
A Practical Guide for Preparing a Winning Strategy

0710801

**July 2007****LOCATION****PROJECT NO.****MAASTRICHT**

2-3 July 2007

Procurement Audit Practitioners' Seminar: Procurement Audit –  
And How to Ensure that Value for Money Really Happens

0730602

5-6 July 2007

Seminar on Environmental Policy

0721501

12-13 July 2007

State Aid Master-Classes and Case Analysis

0731207

**LUXEMBOURG**

2-6 July 2007

Summer School: Preparation for the Concours

0753801

**September 2007****LOCATION****PROJECT NO.****MAASTRICHT**

13-14 September 2007

Interactive Workshop: How to Communicate Europe Effectively

0720103

17-20 September 2007

Introductory and Practitioners' Seminar: European Public Procurement Rules Policy and Practice  
(on 17-09-07 prior to the seminar EIPA will provide a basic introduction to European Public  
Procurement for newcomers to procurement or non-procurement persons)

0730804

20-21 September 2007

Seminar: Understanding Decision-Making in the European Union: Principles Procedures and Practice

0712203

24-28 September 2007

Tutorials: EU Recht für Nichtjuristen

0732406

27-28 September 2007

Seminar: Ausschüsse und Komitologie im Entscheidungsprozess der Europäischen  
Gemeinschaft

0710002



**October 2007**

LOCATION	PROJECT NO.
<b>MAASTRICHT</b>	
1-3 October 2007 Public Private Partnerships (PPP) – Practitioners’ Seminar: PPP – Making Best Use of Public Funds	0730603
4-5 October 2007 European Information and Communication Management – Europe on the Internet – Finding your Way through the European Information Jungle	0711002
8-9 October 2007 Seminar: Managing Change in Public Administration	0725002
8-9 October 2007 Seminar: Intercultural Diversity	0721601
15-19 October 2007 Tutorials: EU Law for Non-Lawyers	0731906
18-19 October 2007 Seminar: State Aid Policy and Practice in the European Community – An Integrative and Interactive Approach	0731204
18-19 October 2007 Seminar: The Presidency Challenge – The Practicalities of Chairing Council Working Groups	0713303
25-26 October 2007 Seminar: Anti-Money Laundering and Anti-Terrorist Financing Efforts in the EU: Recent Developments	0733101
<b>LUXEMBOURG</b>	
11-12 October 2007 Annual Conference on Legal Aspects of Money	0755201
25-26 October 2007 Seminar: Free Movement of Labour	0750601
4-5 October 2007 Seminar: European Negotiations II, You and the EU: Techniques to Manage Interpersonal and Intercultural Relationships in European Negotiations	0711402
<b>BRUSSELS</b>	
16-17 October 2007 Séminaire: Lobbying dans le processus décisionnel communautaire – Stratégies et outils	0710802

**November 2007**

LOCATION	PROJECT NO.
<b>MAASTRICHT</b>	
5-6 November 2007 Internal Market Seminar: Part 1: Free Movement of Goods	0734201
5-9 November 2007 Seminar: Der politische Entscheidungs- und Umsetzungsprozess in der Europäischen Union und seine Bedeutung für die Bundesländer, for German Länder Officials	0730702
6-7 November 2007 Internal Market Seminar: Part 2: Free Movement of Professionals and Services	0734202
7-8 November 2007 Internal Market Seminar: Part 3: The Protection of Consumers	0734203
12-13 November 2007 Seminar: Introduction to the System for the Recognition of Foreign Diplomas	0731502
14-16 November 2007 Seminar: European Negotiations I, Techniques to Manage Procedures, People and Package Deals to Survive in European Negotiations	0710903
14-16 November 2007 Colloquium: Recognition of Foreign Diplomas and the Transposition of the New Directive Focusing on the Situation of Teachers and the Paramedical Professions	0731503
15-16 November 2007 Seminar: Key Issues in Comitology Today/Finance	0710005
19-20 November 2007 Workshop: State Aid Procedures and Enforcement	0731205
19-20 November 2007 Public Procurement Policy Seminar on European Defence Procurement	0730805
22-23 November 2007 Seminar: CAF (Common Assessment Framework) Training Event – Train the Trainers	0720603
22-23 November 2007 Seminar: Understanding Decision-Making in the European Union: Principles, Procedures and Practice	0712204

26-27 November 2007	Seminar: Financial Management of EU Structural Funds	0730206
29-30 November 2007	Seminar: Keep Ahead with European Information in the Enlarged Europe – Information and Communication Strategies	0711101

**LUXEMBOURG**

29-30 November 2007	Seminar: Recent Trends in the Case Law of the European Courts: What Directions for the Future	0750201
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**December 2007**

**LOCATION** **PROJECT NO.**

**MAASTRICHT**

3-4 December 2007	PPP – Policy Seminar	0730604
13-14 December 2007	Interactive Workshop: How to Communicate Europe Effectively	0720104
13-14 December 2007	State Aid Master-Classes and Case Analysis	0731208





# Institutional News

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## Board of Governors

At its meeting in Barcelona on 22-23 June 2006, the Board of Governors approved the following appointments:

### Germany

Mrs Dorothee KNACKSTEDT, Director at the Federal Academy of Public Administration, as substitute Board member.

### Spain

Mr Jaume ERRUZ I SEALL, Secretary for Public Administration and the Public Service, as second full Board member and Mr Carles ARIAS I CASAL, Director-General of the Public Service, as second substitute Board member.

### Lithuania

Mrs Rasa NOREIKIENE, Undersecretary of the Ministry of the Interior of the Republic of Lithuania, as full Board member.

### Hungary

Dr Árpád GORDOS, Chief Adviser to the President of the European Affairs Office, as substitute Board member.

### Malta

Mrs Joanna GENOVESE, Director of the Staff Development Organisation, as full member and Mr Jonathan SCIBERRAS, Assistant Director, as substitute member.

### Portugal

Mr Rui-Manuel PESSOA DE AMORIM announced his resignation from EIPA's Board in writing; he was a member for eighteen years.

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At its meeting in Maastricht on 13-14 December 2006, the Board of Governors approved the following appointments:

### France

Mr Lionel CHATY, Head of Mission, Mission for European and International Affairs of the Ministry of Civil Service, as substitute member, replacing Mr André GIANNÉCHINI.

### Italy

Mr Antonio NADDEO, Director-General of Public Administration, as full member, replacing Mr Federico BASILICA.

### Poland

Mr Jakub SKIBA, General Director of the Chancellery of the Prime Minister, as second full Board member.

### Portugal

Mrs Teresa NUÑES, Director-General for Public Administration, as full Board member and Mr Rogério PEIXOTO, Deputy Director-General for Public Administration, as substitute Board member.

### Romania

Mr Dragoș DINCĂ, General Director of the National Institute of Administration (INA), as full member, replacing Mr Adrian BĂDILĂ.

## Visitors at EIPA

On 2 November 2006, **HER MAJESTY QUEEN BEATRIX** of the Netherlands (here shown together with **Prof. Dr Gérard DRUESNE**, Director-General of EIPA) honoured EIPA by visiting the Institute for a second time. The first time was to celebrate EIPA's fifth anniversary in 1986 | **Photograph Annemiek Mommers**



Signing of the cooperation agreement between the Office for Official Publications of the European Communities (OPOCE) and EIPA on 27 September 2006.

**Mr Thomas CRANFIELD** (left), Director-General of OPOCE, and **Prof. Dr Gérard DRUESNE**, Director-General of EIPA.

Signing of the agreement between the Government of the Republic of Lithuania and EIPA on 29 May 2006.

**Mr Esvaldas GUSTAS**, Secretary of State, representing Minister Gintaras FURMANAVICIUS (right), and **Prof. Dr Gérard DRUESNE**, Director-General of EIPA.



# Staff News

## Warsaw



**Slawomir Zalobka** (PL) joined EIPA in July 2006 in the capacity of Director of the European Centre for Public Financial Management, Antenna Warsaw.

He has an M.Sc. in law from Warsaw University (Poland). He spent nearly all of his professional career in the Polish civil service. He worked at the Ministry of Finance for over fifteen years, in various managerial positions, the last five years as Director-General at the Ministry. He was responsible for or involved in, among other things, issues relating to European integration, the settlement of Poland's foreign debt to Western commercial banks, foreign claims settlement (supervising the implementation of bilateral indemnification agreements), gaming and lotteries, the development of the state treasury

concept, public procurement supervision, budgeting, human resources management and social dialogue, supervision of training centres, state property management and automation.

In 1992, he was seconded as a Probationary Official to the European Commission (DG XIX – Budgets). He also worked for public procurement arbitration courts for ten years. He was co-author of various books and articles on taxes and practical taxation issues.

His fields of specialisation include public administration, public finance management, civil service, public procurement, state treasury, management of government institutions, and management of training centres. In 2005, he was decorated with the Golden Cross of Merit for his professional achievements.

His fields of specialisation are: Public administration, public finance management, civil service, public procurement, state treasury, management of government institutions, management of training centres.

## Luxembourg



**Isabel Meirelles** (PT) joined EIPA on 1 November 2006 as a Seconded National Expert at the European Centre for Judges and Lawyers, EIPA's Antenna in Luxembourg.

She received a degree in law from the University of Lisbon in 1977, a Master's degree in international politics and EC law from the University of Lusiada in 1986, and a diploma in European studies from the College of Europe in Bruges in 1981. She has dealt extensively with EU matters at various levels and has held various positions within the Portuguese central administration, such as in several Ministerial Cabinets and at the Ministry of Justice, where she represented national interests to the Commission and the Council. She was the first President of the Portuguese Food Safety Agency.

Isabel Meirelles also has considerable experience from the private sector: she has for instance been administrator of the World Trade Centre in Portugal, and a practising lawyer pleading cases before Portuguese courts and advising private companies and individuals on various EC matters, also representing them before the various Community institutions. Isabel Meirelles is co-author of three books and author of one book and of several articles in magazines and newspapers. She was commentator on European affairs for the Portuguese media. She was the winner of the European Woman of the Year Award in Portugal in 1996.

Her fields of specialisation include general knowledge of public administration; European integration (mainly First Pillar); implementation of European law in national law; European negotiations; comitology; coordination at national level and between ministries; interaction between political and administrative levels in ministries.

# Staff News

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## Maastricht



**Wim van Helden** (NL) graduated in law (public and administrative law) from the University of Utrecht.

He began his career at the Dutch Ministry of Defence as a contract manager and was later appointed Head of the Defence Procurement Policy Division.

In 1993, he took up the position of Head of the Planning and Coordination Division for Materiel, which involved parliamentary relations regarding defence equipment programmes. From 1993 to 1995, he was Chairman of the Central Contract Committee, in charge of advising the State Secretary of Defence about large equipment projects and international co-operative agreements.

In 1995, he was appointed Director of Materiel Plans and International Relations, also acting as Deputy National Armaments Director. He ran various major investment programmes. In early 1997, he became Deputy Director-General for Materiel.

On 1 October 1999, Mr van Helden was appointed General Manager of NATO's Central Europe Pipeline Management Agency (CEPMA) in Versailles (FR). For five years, he was responsible for financial and organisational matters.

His last position was as Director of a large-scale building programme in a subsidiary of the Ministry of Social Affairs and Employment.

His fields of specialisation include defence procurement; business economics; management.



**Danielle Bossaert** (LU) returned to EIPA as a part-time Seconded National Expert on 1 November 2006. She is Attachée de gouvernement at the Ministry of Civil Service and Administrative Reform in Luxembourg where she works on topics relating to administrative reform.

She has an MA (Magister Artium) in political science, contemporary history and sociology from the University of Freiburg (DE). After traineeships at the Council of Europe and the European Commission, she worked as a researcher at the College of Europe in Bruges (BE). She moreover worked as a political scientist at the European Institute of the University of Basel in Switzerland focusing on issues relating to the EU institutions, CFSP and the Europe of the Regions. At EIPA, she was a Lecturer from 1999 to

2002 and a Senior Lecturer from 2002 to 2004.

Her fields of specialisation include comparative public administration, public sector reform and human resource management.

# Staff News

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## Maastricht



**Herma Kuperus** (NL) joined EIPA on 1 November 2006 as a Seconded National Expert in the Public Management and Comparative Public Administration Unit.

She studied urban and regional planning at the Technical University of Delft and finished her studies at the Technical University of Berlin. During her professional career, she conducted eight years of socio-economic research on employment, labour market and (Eu)regional development issues at the Economic Technological Institute for the Province of Zeeland.

For over three years, she was a programme manager leading a team of internal and external experts creating self-teaching materials for university-level distance education in the field of social science (labour and organisation) at the Dutch Open University in Heerlen. She developed written and interactive audiovisual study materials and a television programme about work and society, labour market mechanisms, human resource management, quality of work and working conditions.

Before joining EIPA, she worked at the Dutch Ministry of Housing, Spatial Planning and Environment for over 15 years. As Unit Head and substitute Director of the Department for Personnel and Organisation (P&O) she was responsible for strategy, policy making and evaluation and in charge of the planning and control system relating to the measuring of P&O results of the entire Ministry. She was also responsible for consultancy activities and advised the political and administrative top management, especially the Secretary-General, on all kinds of issues regarding the (innovation of) public administration and management and individual legal or integrity matters. During this period, she worked on almost every subject related to HRM and organisational development in public administration. She participated in many working committees together with people from other ministries and gave presentations, also for international groups.

Her fields of specialisation are: public administration and public management, especially organisational development, human resource management and labour market, strategic management, policy making and evaluation; quality issues and benchmarking.



# Recent Publications

more details at: <http://www.eipa.eu>

**Decentralisation and Accountability As a Focus of Public Administration Modernisation. Challenges and Consequences for Human Resource Management**  
*Christoph Demmke, Gerhard Hammerschmid and Renate Meyer*  
 EIPA 2006/01, 138 pages, € 40.00, Also available in German  
 ISBN-10: 90-6779-201-2/ISBN-13: 978-90-6779-201-1

**Tripartite Arrangements. An Effective Tool vor Multilevel Governance?**  
*Gracia Vara Arribas and Dephine Bourdin, eds.*  
 EIPA 2006/02, 113 pages, € 30.00  
 ISBN-10: 90-6779-202-0/ISBN-13: 978-90-6779-202-8

**Are Civil Servants Different Because They Are Civil Servants? Who Are the Civil Servants – and How?**  
*Christoph Demmke*  
 EIPA 2005/07, 160 pages, € 37.00  
 ISBN-10: 90-6779-200-4/ISBN-13: 978-90-6779-200-4

**Administrations publiques et services d'intérêt général : quelle européanisation?**  
*Sous la direction de Michel Mangenot*  
*Avant-propos de Gérard Druésne, Directeur général de l'EIP*  
*Préface de Claude Wiseler, Ministre luxembourgeois de la Fonction publique et de la Réforme administrative*  
 IEAP 2005/04, 200 pages, € 41.00, Disponible également en anglais et en allemand  
 ISBN-10: 90-6779-197-0/ISBN-13: 978-90-6779-197-7

**Public Administrations and Services of General Interest: What Kind of Europeanisation?**  
*Under the direction of Michel Mangenot*  
*Preliminary Remarks by Gérard Druésne, Director-General of EIPA*  
*Foreword by Claude Wiseler, Luxembourg Minister for the Civil Service and Administrative Reform*  
 EIPA 2005/05, 186 pages, € 41.00, Also available in French and German  
 ISBN-10: 90-6779-198-9/ISBN-13: 978-90-6779-198-4

**Öffentliche Verwaltungen und Dienstleistungen von allgemeinem Interesse: welche Europäisierung?**  
*Herausgegeben von Michel Mangenot*  
*Vorwort von Gérard Druésne, Generaldirektor des EIPA*  
*Gelcitwort von Claude Wiseler, Luxemburgischer Minister für den öffentlichen Dienst und die Verwaltungsreform*  
 EIPA 2005/06, 210 Seiten, € 41.00, Auch in Englisch und Französisch erhältlich  
 ISBN-10: 90-6779-199-7/ISBN-13: 978-90-6779-199-1

**State Aid Policy in the European Community: A Guide for Practitioners**  
*Phedon Nicolaides, Mihalis Kekeleki and Philip Buyskes*  
 EIPA/Kluwer Law International  
 June 2005, € 65.00\*  
 ISBN 90-411-2394-6

**Die europäischen öffentlichen Dienste zwischen Tradition und Reform**  
*Christoph Demmke*  
 EIPA 2005/02, 234 Seiten, € 40.00, Auch in Englisch erhältlich  
 ISBN-10: 90-6779-186-5/ISBN-13: 978-90-6779-186-1

**Main Challenges in the Field of Ethics and Integrity in the EU Member States**  
*Danielle Bossaert and Christoph Demmke*  
 EIPA 2005/01, 270 pages, € 42.00  
 ISBN-10: 90-6779-196-2/ISBN-13: 978-90-6779-196-0

**European Social Dialogue and Civil Services. Europeanisation by the back door?**  
*Michel Mangenot and Robert Polet*  
 EIPA 2004/09, 161 pages, € 35.00, Also available in French  
 ISBN-10: 90-6779-195-4/ISBN-13: 978-90-6779-195-3

**Dialogue social européen et fonction publique. Une européanisation sans les États?**  
*Michel Mangenot et Robert Polet*  
 IEAP 2004/8, 161 pages, € 35.00, Disponible également en anglais  
 ISBN-10: 90-6779-194-6/ISBN-13: 978-90-6779-194-6

**Programme régional pour la promotion des instruments et mécanismes du Marché euro-méditerranéen (EuroMed Marché)**  
 1ère phase (juin 2002-juin 2003)  
**VOLUME II: Études comparatives sur la situation dans les Partenaires méditerranéens au regard des 8 domaines prioritaires du programme**  
*Sous la direction de Eduardo Sánchez Monjo*  
 IEAP 2004/07, 273 pages, gratuit  
 ISBN-10: 90-6779-193-8/ISBN-13: 978-90-6779-193-9

**Programme régional pour la promotion des instruments et mécanismes du Marché euro-méditerranéen (EuroMed Marché)**  
 1ère phase (juin 2002-juin 2003)  
**VOLUME I: Actes des activités réalisées pendant la 1ère phase**  
*Sous la direction de Eduardo Sánchez Monjo*  
 IEAP 2004/06, 552 pages, gratuit  
 ISBN-10: 90-6779-192-X/ISBN-13: 978-90-6779-192-2

**Regional Programme for the Promotion of the Instruments and Mechanisms of the Euro-Mediterranean Market (EuroMed Market)**  
 1st Phase (June 2002-June 2003)  
**VOLUME II: Comparative studies on the state of affairs in the Mediterranean Partners regarding the 8 priority areas covered by the programme**  
*Eduardo Sánchez Monjo (ed.)*  
 EIPA 2004/05, 258 pages, Free of charge  
 ISBN-10: 90-6779-191-1/ISBN-13: 978-90-6779-191-5

**Regional Programme for the Promotion of the Instruments and Mechanisms of the Euro-Mediterranean Market (EuroMed Market)**  
 1st Phase (June 2002-June 2003)  
**VOLUME I: Proceedings of the activities carried out during the 1st phase**  
*Eduardo Sánchez Monjo (ed.)*  
 EIPA 2004/04, 524 pages, Free of charge  
 ISBN-10: 90-6779-190-3/ISBN-13: 978-90-6779-190-8

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