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The European Union after Laeken: a Convention, a Constitution, a Consensus?

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On 15 December 2001 the European Council adopted the Laeken Declaration, establishing a “Convention on the Future of Europe” which is to meet in advance of the next Intergovernmental Conference (IGC). This Convention – which will bring together European and national parliamentarians with representatives of national governments and of the European Commission, and include candidate countries as well as present Member States – is to debate a series of questions about the Union’s constitutional framework and fundamental political system.

It is a bold step which has raised considerable expectations, as well as a few eyebrows: will such a huge and diverse body really be able to come up with specific and generally-acceptable answers? Yet it is remarkable in itself that such a comprehensive agenda should have been accepted by the Heads of State or Government of all 15 Member States. And there is little doubt that the Convention, an instrument that is not foreseen in the Treaty, represents an important innovation in how the Union goes about changing itself.

In the last ten years, the first decade of post-Cold War Europe, one IGC has led to another as the EU has tried simultaneously to manage the radical deepening of integration from a single market through a single currency and common security arrangements towards political union; to prepare its institutions and policies for an enlargement from 12 members to 15 and then 25 or more; and to deal with the uncomfortable fact that the support of its citizens cannot be taken for granted, as shown by the Danish “No” to Maastricht in 1992 and the Irish “No” to Nice in 2001.

In this process, each IGC has explicitly foreseen the next one. The Maastricht Treaty had to be concluded in haste amid the accelerated historical events of the time. It was thus not only a second best or a lesser evil which all could agree should be revisited. It was also part of the bargain to postpone some questions in order to reach a deal. The Treaty on European Union thus committed the parties to come back in 1996 to review some of the arrangements agreed, although the agenda quickly had to be broadened to include the demands of enlargement and the problems of legitimacy. The ensuing 1996-1997 IGC, however, failed to resolve the institutional issues which were considered indispensable prerequisites for enlargement. The 1997 Amsterdam Treaty was thus accompanied by a Protocol committing the Union to deal with these “left-overs” and to carry out a broader

review of its institutional system before enlargement involving more than five countries took place. The result was another IGC, formally opened in February 2000, which produced the Nice Treaty in December that year. And yet again, the conclusions were accompanied by an agreement to come back and do better next time. Another IGC would be called in 2004 to address, at a minimum, four outstanding issues: the delimitation of competences between the Union and the Member States, the status of the Charter of Fundamental Rights, the role of national parliaments and simplification of the treaties. Yet the Declaration on the Future of the Union which was attached to the Treaty of Nice was at least as significant with regard to the process as to the content of the next steps, calling for a “broad and open debate” involving not only governments but national parliaments and civil society. The Laeken Declaration, one year later, would define the modalities of this debate.

This new interest in involving the public may partly have been a general reaction to the alarmingly low level of public support indicated by polls. According to *Eurobarometer*, on average across the whole Union, barely half of citizens could say positively that the European Union was a good thing. This was not only regrettable but could (and did!) have practical consequences when it came to ratification.

There seems also to have been a broad consensus that the purely diplomatic approach to agreeing changes had run out of steam. The process of hopping from treaty to treaty can certainly be seen as a reflection of the step-by-step approach to integration which has characterised European integration since the days of Monnet and Schuman. However, it also seemed to many involved to be producing “diminishing returns” (that is, it was progressively taking more and more time and effort to reach agreements) as well as a negative image for the public, while contributing to the quite undemocratic complexity of the Union’s constitutional framework. Finally, there was the shining example of the Convention which successfully drafted a Charter of Fundamental Rights in parallel to the 2000 IGC. In contrast to the purely intergovernmental negotiations over institutional reform and the final bad-tempered wranglings behind closed doors in the early hours at Nice, the Convention had brought together representatives of national governments and national parliaments, as well as of the European Commission and the European Parliament,

and had worked on the basis of transparency, consultation and consensus.

At least for the next time, there can be no substitute for an IGC. Article 48 of the Treaty on European Union is quite clear that only the governments of the Member States have the power to change the treaties. However, could not the Convention model be a new and more effective way of preparing the decisions to be taken?

The Report presented by the Swedish Presidency in June 2001¹ therefore outlined not only the option of a group of government representatives (like the Reflection Group which met in advance of the 1996-1997 IGC) and that of a small group of wise persons, but also the idea of “a broad and open preparatory forum” for the next IGC. This last option was strongly supported by the upcoming Belgian Presidency, the other two Benelux countries² and a number of other Member States, as well as the European Parliament³ and the Commission. Not all agreed. The United Kingdom was the strongest opponent of the idea, fearing that this would tie the hands of the IGC. Even after the decision was taken, the UK pressed for a long period of digestion between the end of the Convention and the beginning of the IGC in order to weaken any direct link between the two. Although in the end there was a clear decision of the European Council to go ahead with the Convention, it is clear that hopes and expectations differ widely, and the structure of the Convention may in fact not make it easy to come up with clear and consensual results.

Moreover, it is evident that the Convention will not be acting in isolation. In the last few years, a new political debate has emerged over the constitutional framework of Europe and the roles of the European institutions. This has been fed mainly by speeches given by national political leaders – chiefly from the big Member States – starting with German Foreign Minister Joschka Fischer in May 2000, followed by French President Jacques Chirac in June and UK Prime Minister Tony Blair in October. And just as the Convention was coming into being in the last days of February 2002, new proposals were jointly presented by the British and German Governments with a view to strengthening both transparency and the role of the Council in the legislative process. This predictably provoked open concerns in some quarters about the influence which national governments, and especially the big Member States, would exert over the Convention’s proceedings.

The Convention

The composition of the Convention generally follows that of the body which drafted the Charter of Fundamental Rights: one representative of each government, two members of each national parliament, 16 members of the European Parliament, and two Commission representatives.⁴ However, the candidate countries – including Turkey – will now participate, with the same representation as the current Member States “and will be able to take part in the proceedings without, however, being able to prevent any consensus which may emerge among the Member States”. There will be 13 observers:

three representatives of the Economic and Social Committee and three of the European social partners,⁵ six from the Committee of the Regions; and the European Ombudsman. This means that there will be a total number of 105 full members, of whom two-thirds will be parliamentarians. At the time of writing it had not been agreed what role would be played by the Observers or by the alternate members.⁶

The Laeken Declaration also appointed the Chairman, former French President Valéry Giscard d’Estaing, and two Vice-Chairmen, former Italian Prime Minister Giuliano Amato and former Belgian Prime Minister Jean-Luc Dehaene. It was agreed that the Praesidium should have 12 members: the Chairman and Vice-Chairmen; two representatives of the European Parliament,⁷ the two representatives of the European Commission, two representatives of the national parliaments,⁸ and the governmental representatives of the three Member States which will hold the Presidency of the Council during the life of the Convention, i.e. Spain, Denmark and Greece.⁹

The Declaration is clear as to the leading role of the Praesidium and the Chairman, who “will pave the way for the opening of the Convention’s proceedings by drawing conclusions from the public debate. The Praesidium will serve to lend impetus and will provide the Convention with an initial working basis.” In order to involve citizens, “a Forum will be opened for organisations representing civil society”. The Declaration gives the impression that this will also be very much in the hands of the Praesidium: “a structured network of organisations receiving information on the Convention’s proceedings. Their contributions will serve as input into the debate. Such organisations may be heard or consulted on specific topics in accordance with arrangements to be established by the Praesidium.” It was subsequently agreed that Vice-Chairman Dehaene would have special responsibility for the Convention’s interaction with civil society.

At the time of writing, the Rules of Procedure had not been finalised, although it was already clear that working groups will be created to deal with particular issues. The Declaration leaves open the nature of the final document to be produced (for which Vice-Chairman Amato will have special responsibility). This “may comprise either different options, indicating the degree of support which they received, or recommendations if consensus is achieved.” It does stress, however, that this should not tie the hands of the Member States. “Together with the outcome of national debates on the future of the Union, the final document will provide a starting point for discussions in the Intergovernmental Conference, which will take the ultimate decisions.” The Convention should conclude by June 2003.

The Laeken Agenda

The four sections included under the heading of “Challenges and Reforms in a Renewed Union” modify, reorganise and add to the points in the Nice Declaration. A total of just over 50 questions are formulated. Despite

the emphasis in the first part on the Union's role in a globalised world, there are only fleeting references to enhancing the coherence of European foreign policy, reinforcing synergy between the High Representative and the Commissioner responsible for external relations, and possibly extending the external representation of the Union in international fora.

Most questions concern the internal workings of the Union, grouped in four sections:

- clarification of the principles for deciding who does what, and possible reorganisation of competences between EU and Member States (and regions);
- simplification of the Union's instruments;
- how to increase "democracy, transparency and efficiency" in the EU; and
- constitutionalisation of the Union in the process of simplification of the Treaties and incorporation of the Charter on Fundamental Rights.

It is in itself a very significant step that the Heads of State or Government should have agreed to a such a broad agenda which includes fundamental questions about the political organisation and nature of the Union. Yet only a few new points are introduced: for example, the idea that the President of the European Commission could be appointed by the European Parliament or even directly elected, as means to increase the authority of the Commission; the possible introduction of a European electoral constituency as a means to strengthen the credibility of the Parliament; and the need to review the rotating Presidency. Most of the questions posed have been high on the agenda since the 1990s or before, and nothing is really added in the Declaration which makes it any easier to solve the problems.

Among the many questions posed with regard to democracy, transparency and efficiency, for example, the role of national parliaments has been debated constantly since the late 1980s. A Declaration was attached to the Maastricht Treaty in which governments undertake to ensure that national parliaments have adequate time to scrutinise Commission proposals, as well as encouraging contacts between the national parliaments and the European Parliament. The Treaty of Amsterdam included a Protocol obliging the governments of the Member States to ensure that their parliaments received proposals for EU legislation at least six weeks before the Council was scheduled to act; and encouraging COSAC¹⁰ to play an active role, particularly with a view to ensuring respect for subsidiarity. The possibility of a new institution is mentioned in the Laeken Declaration, but it is not easy to see what more could be done to give the national parliaments an institutionalised role at European level. The idea of a permanent chamber of national parliaments has been pushed by Tony Blair (and before him, most notably, by various French politicians), although his public proposals were not clear as to the specific role such a body should play, and the British Government has seemed more recently to back away from this idea.¹¹ Any idea of a chamber working on a day-to-day basis in

parallel to the European Parliament, however, still faces the strong counter-arguments that this would only create further institutional complexity and further undermine the EP's credibility.

Likewise, the issue of the distribution of competences and the application of the principle of subsidiarity has been at the centre of the European debate since before the Maastricht Treaty (quite apart from being a basic question in any integration project). The Laeken Declaration sensibly breaks down the issue into two parts. It first asks whether it is possible to make "a clearer distinction between three types of competence: the exclusive competence of the Union, the competence of the Member States and the shared competence of the Union and the Member States". It then asks whether there needs to be an adjustment of who does what – for example, should the Union do more in the areas of defence or police cooperation, or should some things be more clearly left to the Member States or the regions? The Declaration stresses that a reorganisation "can lead both to restoring tasks to the Member States and to assigning new missions to the Union". Yet nothing new is said about how to deal with these challenges and dilemmas. How can one reconcile a fixing of competences with the maintenance of dynamism? What about the fact that competences are mostly shared, and that in practice the division of tasks has been according to function rather than by sector? Even where there may be exclusive legislative competence, in other words, almost all the responsibility for policy implementation remains in the hands of the Member States or sub-state authorities. Can one, in practice, really envisage a clear separation of who will "do" what?

Rather different problems arise with regard to the very un-simple question of "simplification". The Laeken Declaration sensibly divides the issue into two parts. A short section on "Simplification of the Union's instruments" thus raises the issues of reducing the number and clarifying the nature of the various legislative instruments, as well as clarifying the areas in which "non-enforceable" methods such as "open coordination" are appropriate. There is a wide consensus that something must be done to deal with the unnecessary complexity and confusing nomenclature in these respects, and many would argue that this could be done without major constitutional implications. Simplification of the treaties, on the other hand, is rightly put into a quite separate section entitled "Towards a Constitution for European citizens", along with the status of the Charter of Fundamental Rights. Again, there is a wide consensus as to the desirability of sorting out the present constitutional mess of having Treaties which change Treaties within other Treaties, but it is also clear that it is very hard to reorganise the Treaties without any change in the law.

As the Laeken Declaration says, "The question ultimately arises as to whether this simplification and reorganisation might not lead in the long run to the adoption of a *constitutional text* in the Union" (emphasis added). This wording is interesting. After all, the Court

of Justice has already ruled that the treaties are a “constitutional charter” for the Union. Does the Declaration actually commit anyone to go further?

Expectations and Prospects

In the run-up to Nice, the European Parliament openly urged that “the IGC should amend the procedure for the revision of the Treaties with a view to the ‘constitutionalisation’ of the Treaties and the democratisation of the revision process by means of the introduction of a power of joint participation in decision-making for the institution which represents the States and that which represents Union citizens.”¹² More recently the EP has proclaimed itself in favour of “the emergence – even at this stage through the Convention established by the Laeken European Council – of a *constituent power* exercised jointly by the national parliaments, the Commission, the European Parliament and the governments of the Member States, which would not only allow effective preparation of reform of the treaties but would also give European integration efforts greater legitimacy and would thus mark a new chapter in the role of parliaments in European integration by introducing a major institutional innovation.”¹³

Those who want a full European Constitution will obviously judge the results and the impact of the Convention by the extent to which it contributes to such formal constitutionalisation, but those who hope for a modern European equivalent of Philadelphia – apparently including Mr Giscard D’Estaing – are likely to be disappointed. To be sure, there can be unexpected outcomes. When the members of the US Convention met in Philadelphia in May 1787, they had only been given a mandate to introduce amendments to the original Articles of Confederation, but they ultimately produced an entirely new document. The new Constitution was controversial and led to fierce debates, but was ultimately adopted and has survived to become an important symbol of unity. However, although the American states at the time were indeed less integrated than the EU today, for many reasons it will not be simple for the members of the Laeken Convention to come up with a similarly bold proposal, quite apart from convincing the Member States to put it into practice. The US Founding Fathers did nothing less than create a new system of national government. It is doubtful whether most members of the Convention will be willing to go that far, and also whether there is sufficient popular support to approve any such radical changes.

Yet it would be wrong to reduce evaluations of the Convention to such terms. There are two kinds of hopes and expectations for the Convention which are quite independent of any such ambitions, and are just as important in the long term. These are a) that it may prove a more effective as well as democratic way of preparing major decisions, both by building consensus between decision-makers and by involving in advance those actors who will have to ratify the decisions which are taken; and b) that it may afford an opportunity for the public to become more involved in the European process

more generally (which will also require, of course, that individual governments and parliaments themselves take the necessary initiatives).

In this context it is worth asking what consensus-building actually means. In particular, does it necessarily mean to try to produce a single set of concrete proposals, or even the text of a Draft Constitution, albeit with minority opinions? Even if such a text can be produced, there is no guarantee as to how the subsequent IGC will act, and there may be costs. Indeed, there may be a certain trade-off between the degree of concreteness and unicity which is pursued in the proposals to come out of the Convention, on the one hand, and the degree of involvement in the Convention’s proceedings on the part of the parliamentarians and the public who are to ratify the outcome of the next IGC, on the other.

The Nice Declaration on the Future of the Union seemed to open up an unprecedented pause in the integration process, an opportunity for the public to “catch up” with what has happened and for their representatives, at least, to have more of a chance to influence with some degree of calm what is to happen next. There would be a starting period of one year (2001) for national debates to be launched. There would then be a period of two years (2002 and 2003) for some form of structured debate at European level. And only then, in 2004 – and with the equal participation of the new Member States – there would be a formal agreement between the governments as to the constitutional future of this very new European Union.

Already the time horizons are under pressure, as Member States hope to manage the agenda so that their country can start or end the IGC, and other actors try to time things so as to guarantee that everything will be over before the next European elections in June 2004. This only accentuates concerns about the working methods of the Convention – mainly the fear that the Praesidium, under the double pressures of time and ambition (and perhaps also the personal style of the Chairman), may give less attention than is merited to the process of actually bringing in the European parliamentarians and the European public, in order to get on with drafting a “Constitution for European Citizens”. These considerations, of course, apply all the more in the case of the candidate countries.

Whatever the final document looks like, and even if there is a significant gap between the end of the Convention and the beginning of the IGC, it will not be possible to ignore the outcome of a Convention chaired by a former President flanked by two former Prime Ministers, with the participation of all national governments and parliaments as well as the European Parliament and Commission. After all, it is the parliaments which will in most cases have the power to ratify, or not, the results of the IGC. Even if there will not be a single document, the Convention can make a tremendous contribution to the stability and legitimacy of European integration by promoting general agreement and public understanding as to the basic principles according to which we all want the European Union to operate and to evolve.

NOTES

- ¹ 'Report on the Debate on the Future of the European Union', Brussels, 8 June 2001.
- ² On 22 June 2001, the Benelux countries had put forward a memorandum on the future of Europe in which they argue that the IGC should be prepared by a forum chaired by a leading political figure and composed of representatives of national parliaments, the EP, the European Commission's, the governments of the Member States ('Benelux Memorandum on the Future of Europe', 22 June 2001).
- ³ 'European Parliament Resolution on the Treaty of Nice and the Future of the European Union', 31 May 2001.
- ⁴ There was only one Commission representative in the previous Convention. The two Commissioners now will be Michel Barnier, who has had personal responsibility for IGCs and institutional reform in the Prodi Commission, and Antonio Vitorino, who was the Commission's representative in the Convention which drafted the Charter of Fundamental Rights.
- ⁵ The European social partners are the two main bodies representing employers' organisations at European level (the Union of Industrial and Employers' Confederations of Europe - UNICE, and the European Centre of Enterprises with Public Participation - CEEP) and the European Trade Union Confederation - ETUC.
- ⁶ The European Parliament proposed in the run-up to the Convention that the alternates should play a full role in the proceedings in all respects except voting, as in EP Committees, which would mean that plenary sessions would actively involve some 200 people.
- ⁷ The two representatives of the European Parliament in the Praesidium are Iñigo Méndez de Vigo and Klaus Hänsch.
- ⁸ The first meeting of the representatives of the national parliaments in Brussels on 22 February agreed, on the basis of an understanding reached between the two major political groups, that these would be Gisela Stuart, the UK Labour representative, and former Irish Prime Minister John Bruton.
- ⁹ It is striking that the Spanish and Greek Governments have named Members of the European Parliament as their representatives.
- ¹⁰ COSAC is the conference of specialised European affairs Committees of the EU national parliaments and the European Parliament, which has met every six months since 1989 to discuss particular aspects of the EU's evolution.
- ¹¹ The UK House of Lords, as well as the European Parliament, has recently pronounced itself against such proposals for a second chamber.
- ¹² EP Resolution on the constitutionalisation of the Treaties adopted in October 2000 (2000/2160(INI)).
- ¹³ European Parliament, Committee on Constitutional Affairs, 'Report on relations between the European Parliament and the national parliaments in European integration', A5-0023/2002, 23 January 2002. p.8, emphasis added. □

Post-Laeken Assessment Justice and Home Affairs

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Justice and Home Affairs was one of the fields on the spotlight for the Laeken Council. Not only a mid-term review of the progress achieved in the creation of an area of freedom, security and justice since the Tampere Council would take place¹, and guidelines issued on the further steps to take, but also because, since the events of September 11th, this area has understandably deserved a lot of attention from the EU Institutions, the press and the public in general.

Following those tragic events, a Special Council was held in Brussels on 21st September and a Plan of Action² was approved, identifying measures urged to be taken on the fight against terrorism, covering several policy areas. An Extraordinary Justice and Home Affairs Council Meeting had taken place a day before, where detailed Conclusions were approved, ranging judicial cooperation in criminal matters and police cooperation, but also including implications on external border controls.

Also in September, the Commission presented two important proposals in the aftermath of the events of September 11th:

- one for a Council Framework Decision on the European Arrest Warrant and the surrender procedures between the Member States (Com (2001) 522 Final/2)
- and one for a Council Framework Decision on combating terrorism (Com (2001) 521 Final).^{3,4}

What was expected, then, of the Laeken Council, in respect of the area of freedom, security and justice?

- a review of the progress accomplished since Tampere and further steps to take
- a reaffirmation of the priority on the fight against terrorism, stressing the importance of judicial cooperation (namely through the EUROJUST⁵ unit)
- a recognition of the work achieved in asylum and immigration, as well as redefinition of clear guidelines, giving it a further impulse.

In a speech dated September 27th 2001, Commissioner Vitorino had veiled his concerns referring to “(...) a loss of momentum in the work being done in the Council (...)” and hoping that the Laeken Council would “(...) put more effort into providing clear political instructions on working methods and shared priorities to be set, so as to establish a hierarchically structured strategy for the second part of the Tampere timetable”.⁶

There was a general feeling, particularly in the area of asylum and immigration and concerning the adoption of legislation, that not enough was being done, and not fast enough.⁷ This is all the more true considering the high hopes for a more dynamic approach in this area, since it was transferred to the First Pillar by the Treaty of Amsterdam (new Title IV of the EC Treaty), and since the instruments approved are now Community instruments, of a binding nature.

On the other hand, international organisations issued appeals and recommendations for the European Council, revealing concerns on issues of human rights protections, that may be overridden by security issues, and on the hasty adoption of instruments (namely on the fight against terrorism), that may put at risk the principles of transparency and democratic control called for in Tampere.⁸

Where all these hopes and concerns mirrored in the Presidency's Conclusions?

Under the title “Strengthening the area of freedom, security and justice” – underlining that the creation of such an area is accomplished, although there is a need to reinforce it – the European Council reaffirms the commitment towards the fulfilment of the Tampere milestones. It clearly indicates the need for speeding up work and new guidelines. Which are these guidelines and how can work be speeded up?

On the common asylum and immigration policy, the European Council calls for an integration of the policy on migration into the EU's foreign policy (in particular through the conclusion of readmission agreements), for an action plan on illegal immigration⁹; for a European system for exchanging information on asylum and migration, for the implementation of EURODAC¹⁰; for specific programmes to combat racism and discrimination. It further asks the Council to submit by April 2002 amended proposals on asylum procedures, family reunification and the “Dublin II” Regulation¹¹, as well as to accelerate work on the proposals on reception standards, on the definition of refugee and on subsidiary protection.

Although the actions called for are not new, emphasis is now placed in some of the aspects of the asylum and immigration policy:

- cooperation with countries of origin and transit (conclusion of readmission agreements), an essential instrument for the effectiveness of the migration policy¹²

- managing migration flows (fighting illegal immigration and smuggling of human beings), that, as it should be stressed, includes preventive as well as repressive measures- implementing EURODAC, an essential tool for an improved application of the existing Dublin Convention
- integration – the need for a balanced approach is expressed on the call for measures to combat racism and discrimination.

By setting a time limit, until 30 April 2002, for the submission of amended proposals, the European Council also puts a clear emphasis on the common asylum policy, and on the need to approve legislative instruments in order to achieve a common European asylum system.

On the other hand, the management of external border controls was mainly referred to as a tool in the fight against terrorism, illegal immigration and trafficking in human beings, and the Council was asked to set up a common visa identification system.

As it was expected, the fight against terrorism deserved attention in the Presidency Conclusions of the Laeken Council, as well as did the fields of judicial and police cooperation in criminal matters: there was a recognition of the work done and of the results achieved so far, a verification that work is proceeding according to schedule and a reaffirmation that more action will be taken in this regard. The message is clear and it comes in line with the conclusions of the Special Council held in September. The European Council acknowledged

the progress achieved by the setting up of Eurojust, by the increased powers of Europol and by the European Police College and the Police Chiefs Task Force.

In fact, the events of September 11th had as a result a reorientation of priorities in Justice and Home Affairs, and a push forward to police and judicial cooperation in criminal matters (the third pillar issues). Besides the new actions called for, also the instruments and measures already scheduled to be approved were achieved and approved quicker than previously.

The fight against terrorism is also a major priority of the Spanish Presidency, through an integrated strategy that includes the reinforcement of the rule of law instruments throughout the Union, the strengthening of the cooperation among the Law Enforcement Forces of the Member States, the response to the current dimensions of terrorism and international cooperation.

However, not all the expectations were mirrored in the Presidency's Conclusions. There was a limited recognition of the efforts done so far. Moreover, there was some disappointment on the confirmation of an approach more turned to ensure effective security and fight against crime than to ensure a balance with provisions on human rights and international protection.¹³

Also, despite the setting of a short deadline for the submission of amended proposals and the indication of priorities and guidelines, acknowledgement that progress did not achieve the expected level on the common asylum and immigration policy still leaves a bitter feeling that more could be done.

NOTES

¹ The Laeken European Council was held on early December 2001, halfway between the entry into force of the Treaty of Amsterdam and the end of the 5 year period set out in the Treaty for the adoption of measures related with the free movement of persons, asylum, immigration and external border controls, in order to create an area of freedom, security in justice; also, 1 May 2004 is the target date for the application of the co-decision procedure to the areas under new Title IV of the Treaty of the E.C.

² Conclusions and Plan of Action of the Extraordinary European Council Meeting, of 21st September 2001 – see site www.europa.eu.int.

³ The European Arrest Warrant replaces the lengthy procedures of extradition and, in respect of listed offences, without verification of the principle of double criminality; the Framework Decision on combating terrorism does not include a definition of "terrorism", but it defines terrorist aims and offences and establishes minimum penalties – for more details and for the text of the European Commission's proposals, see site www.europa.eu.int.

⁴ Political agreement was reached, on the European arrest warrant, on 11 December 2001, that shall be in force on January 1st 2004. Agreement was also reached on the Framework Decision on combating terrorism.

⁵ EUROJUST is a unit constituted of judges, magistrates,

prosecutors and legal experts from the Member States, with responsibility for coordinating criminal investigations in matters pertaining to the interests of the EU or/and of several Member States; a provisional EUROJUST unit was already in place since December 2000 (Council Decision of 14 December 2000 setting up a Provisional Judicial Cooperation Unit, OJ L324, 21.12.00).

⁶ Commissioner António Vitorino, speech of 27th September 2001, from website The European Policy Centre, also found at the European Commission's site www.europa.eu.int/comm/dgs/justice_home/index_en.htm.

⁷ See the Belgian Presidency's document dated 6 December 2001, on the evaluation of the Conclusions of the Tampere European Council, that can also be found on the mentioned site www.europa.eu.int.

⁸ See, among others, UNHCR's Recommendations to the Laeken Summit, *Strengthening the Tampere Process*, the UNHCR's Preliminary Observations on the European Commission's Proposal's for Council Framework Decisions on combating terrorism and on the European arrest warrant and the surrender procedures between member States, and, under UNHCR Press Releases, "Ten refugee protection concerns in the aftermath of Sept. 11", from the site www.unhcr.ch; ILPA Submissions to the EU Laeken Summit, from the site www.ilpa.org; Statement to the Laeken Summit

by the European Council on Refugees and Exiles and Observations by the European Council on Refugees and Exiles on the Presidency Conclusions of the European Council Meeting in Laeken, from site www.ecre.org; "Europe and Refugees: Freedom, Security and Justice?", speech by Amnesty International, from site www.amnesty-eu.org.

⁹ The Action Plan was adopted by the JHA Council on 28 February/1 Mar. – site: www.ue.eu.int/newsroom

¹⁰ EURODAC is a database system for the comparison of fingerprints of asylum seekers, designed to help the implementation of the Dublin Convention – Council Regulation EC 2725/2000, concerning the establishment of Eurodac for the comparison of fingerprints for the effective application of the Dublin Convention, OJ L 316, 11.12.00.

¹¹ Regulation to replace the Dublin Convention on asylum, on

the rules and mechanisms to determine the Member State responsible for examining asylum applications lodged in one of the Member States, published in OJ L 254, of 19.08.97; the new Commission proposal for a Regulation (Com (2001) 447) can be found on site www.europa.eu.int.

¹² In fact, the integration of Justice and Home Affairs matters in the EU's external relations is of growing importance, as well as is an integrated approach to this area; one of the first initiatives in this sense was the creation, in 1998, of the High Level Group on Asylum and Migration, attempting a crosspillar approach at the root causes of asylum and migration issues.

¹³ See for instance ECRE's Observations on the Presidency's Conclusions, on site www.ecre.org. □

The Significance of Laeken for CFSP/CESDP

Dr. Simon Duke

Associate Professor, EIPA

Laeken may well represent a milestone for Europe, in the sense that it sets into motion a process that will culminate in a major constitutional treaty in 2004. However, the meeting of the European Council on 14-15 December 2001 bore more mixed results for foreign and security policy.

The Belgian Presidency had of course steered the Union's response to the horrific events of 11 September. The plan of action to combat terrorism, adopted by an extraordinary European Council meeting of 21 September, progressed although securing agreement on the European arrest warrant was not without glitches. The response to the September attacks also saw an enhancement of EU-Russia relations with a summit held in Brussels on 3 October, which covered a range of topics of mutual concern ranging from energy; the Kaliningrad *oblast*; trade; and the elaboration of a Common European Economic Area. The Belgian Presidency conclusions also noted developments in the Western Balkans, most notably the replacement of Bodo Hombach by Erhard Busek as Special Coordinator of the Stability Pact. The elections held in Kosovo on 17 November launched the process of provisional self-government. Elsewhere, notably in Africa, a Euro-African meeting in October continued the dialogue initiated in Cairo in May 2000.

Two of the three annexes to the Presidency Conclusions addressed external relations. The first was a *Declaration on the Operational Capability of the Common European Security and Defence Policy*. Pressure had been mounting for the declaration since the Nice European Council and this was only increased by the events of 11 September. The declaration stated that:

Through the continuing development of the ESDP, the strengthening of its capabilities, both civil and military, and the creation of the appropriate EU structures, the EU is now able to conduct *some* crisis-management operations. (*Emphasis added*)

Exactly which crisis-management operations the declaration referred to remained vague, although the reference is assumed to refer to the lower-end Petersberg tasks (such as humanitarian and rescue tasks). This assumption is based on significant qualifications that appear in a later passage: 'To enable the European Union to carry out crisis-management operations over the whole range of Petersberg tasks, including operations which are the most demanding in terms of breadth, period of deployment and complexity, substantial progress will have to be made'. This will not be easy and

the attainment of 'substantial progress' underpins the ambitious mandate of the Spanish Presidency.¹

The Laeken summit took place in a mood of some optimism since, 'the Union intend[ed] to finalise the security arrangements with NATO and to conclude agreements on guaranteed access' to a range of Alliance assets and capabilities. Ankara, who charged the EU members of NATO with renegeing on an agreement made at NATO's Washington Summit in April 1999, had blocked agreement on this issue. According to the April 1999 agreement, the 'utmost importance' should be attached to 'ensuring the fullest possible involvement of non-EU European allies in EU-led crisis response operations, building on existing consultation arrangements within the WEU'. It was also observed that of the 16 potential regional conflict flash points, no less than 13 were in Turkey's proximity. As an associate member of the WEU, Turkey enjoyed an active role in decision-making on questions of security and defence – rights that are not replicated in the ESDP setting.

In early December 2001 press reports surfaced of an Anglo-American backed agreement with Turkey which, apparently, addressed Ankara's concerns and opened up the way to the finalisation of the arrangements with NATO.² The prevailing optimism was soon quashed by the rejection of the agreement by Greece on 16 December (the day after the Laeken summit), on the grounds that the agreement did not contain any assurances that Turkey would not block an ESDP operation in the Balkans – a region seen as vital to Greece's security and stability.³

The failure of the Ankara agreement has a number of implications for the Laeken document. It does not, in the first place, undermine the validity of the declaration on operational capability for 'some crisis-management operations'. It does though pose a more fundamental problem for how the EU will equip itself for the remaining Petersberg tasks, in the absence of guarantees, or the presumption of availability, of certain key NATO assets. If the implication of the failure of the agreement is that the EU will have to rely increasingly upon assets that are independent from NATO (which may imply *necessary* duplication by the EU of NATO assets), a second issue will come to the fore.

The Belgian Presidency struggled to find a solution to the funding of the EU Rapid Reaction Force prior to the Laeken summit. The Presidency suggested three funding scenarios: a minimum pre-funding amount

(with military operations based on a pay-as-you-go system); full scale funding based where contributions would be based on national GNP; and, finally, a mix of the first two. There was though no consensus on any of the options prior to the summit, which presents the EU Member States and the Spanish Presidency with the question of how they meet the well-rehearsed shortcomings of ESDP, based on the assumption that it may not be possible to borrow NATO assets.⁴

The second annex concerned the Middle East. The *Declaration on the Situation in the Middle East* was though clouded by the decision by Israel, on the day prior to Laeken, to break off all contact with Palestinian leader Yasser Arafat, accusing him of doing too little to stop terrorism. The subsequent apprehension of a vessel full of largely Iranian origin arms, allegedly procured by the Palestinian Authority, further complicated the prospects for peace. The securing of peace in the Middle East is a pressing matter for the Spanish Presidency, since stability is vital for broader Mediterranean prosperity.

The Presidency conclusions, as with previous ones, reflect a mixture of accomplishments and unfinished work. The events of 11 September prompted speedy action on counter-terrorism and a good deal were implemented with impressive speed. Much though remains to be completed, such as enhanced co-operation between the Member States to counter chemical or biological threats. The essential links between the internal efforts to counter terrorism (predominantly Justice and Home Affairs) and the external dimensions (found in both the first and second pillars) have also to be made; again, an item that is squarely on the agenda of the Spanish Presidency.

The declaration on operational capability of ESDP is less bold than may appear at first glance, since only the most modest operations can currently be undertaken. Furthermore, there is the very real danger that the declaration may have been premature since, by not specifying which crisis-management operations the Union might conduct, false expectations may arise. The Union has not, in other words, resolved the capability-expectations gap by means of the declaration. The sticking points for ESDP (and thus the Spanish Presidency agenda) remain those of resources and the Union's relations with NATO. It would though be unfair to point the finger at the Belgian, or any other, Presidency for the shortcomings in addressing these two vital issues. Ultimately, it is up to the Member States to provide answers. The Presidency can and should act as a catalyst.

NOTES

- ¹ See *Spanish Defence Minister Federico Trillo sets out the Spanish Presidency's objectives for Security and Defence (in Spanish)*, Madrid, 10 January 2002, at <http://www.ue2002.es>.
- ² See 'Turkey Signals deal on EU force', *Kathimerini*, 3 December 2001, p.1. and Judy Dempsey and Leyla Boutlon, 'Turkey Breaks Impasse on EU Rapid Reaction Force', *Financial Times*, 4 December 2001, p.7.
- ³ Judy Dempsey, 'Greece blocks accord with Turkey', *Financial Times*, 16 December 2001.
- ⁴ The military shortcomings were systematically identified in the WEU's November 1999 *Audit of Assets and Capabilities* and also appear in all pre-Laeken Presidency conclusions since 1999, as well as at the November 2000 Capabilities Commitment Conference and the Capabilities Improvement Conference the following year. □

EU Enlargement

State of play and issues ahead

Speech delivered at the conference in Maastricht, 4 March 2002

Günter Verheugen

Member of the European Commission, responsible for EU Enlargement

Ladies and Gentlemen,

It is a pleasure to be invited here today and exchange views with you at the Fifth European Conference of the European Institute of Public Administration. The functioning of the European Union and indeed the success of Enlargement rely to a large extent on efficient public administration at all levels of government.

The Commission therefore encourages initiatives such as this conference today, which aim to bring together public sector decision-makers and contribute to good and solid working relations between them and the countries they represent. Enlargement will only succeed – in the sense of being a *lasting* success – if it has the democratic support of Europe's citizens.

Moreover, public administrations in both the Member States and the candidate countries have a key role to play in helping the population adjust to an enlarged European Union, and to ensure a successful transformation process.

2002 is a decisive year for the European Union

On January 1st, the Euro became a day-to-day reality for 300 million European citizens. Just a few days ago, the Convention on the future of Europe has started working at concrete proposals to make the EU more efficient, transparent and democratic. However, the EU's top priority – and this is not only the view of the Enlargement Commissioner (!), but also the view of the entire Commission and all the Institutions – remains Enlargement.

I have noted with satisfaction that the topic of this year's conference "Enlargement - last lap or last chance" reflects a view which I have repeatedly expressed to

political decision makers in recent months: We have long passed the point of no return and Enlargement must now be pursued as a matter of urgency. We must keep the momentum, which has been achieved, and we certainly cannot afford any substantial delays. This would threaten, if not erode, our carefully balanced accession strategy.

Our aim remains to see the accession of up to 10 new members mentioned at the Laeken European Council in time for the European elections in 2004. The Commission is 100% committed to this ambitious task and is convinced that Enlargement will strengthen, not weaken European integration.

But in order to achieve this aim, important and fundamental decisions need to be taken in the course of this year.

Before looking at some of main issues in the negotiations, it is worth reminding ourselves of the historic opportunity that lies before us and the chance for lasting stability and security in Europe which is at stake:

- The current Enlargement process has already resulted in the extension of democracy and the rule of law to the former communist countries of Central and Eastern Europe. In that sense Enlargement has already fulfilled a historic task.

Moreover, with half a billion consumers - more than the populations of Japan, Australia, Canada and the US combined, the enlarged EU will become the world's largest single market. And, most important since September 11th 2001, closer co-operation in the areas of police, security and defence will make an enlarged EU better equipped against international terrorism and organised crime. Enlargement therefore means first and



Günter Verheugen, EU Commissioner responsible for Enlargement.

foremost: increased economic and political stability and increased security for Europe and its citizens.

Continued evaluation of candidate countries

The results of the Commission's Regular Reports on the candidate countries presented last November indicate that the adoption of the "acquis" is, in general, making good progress. However, the administrative and judicial capacities in the candidate countries need to be raised to EU's standards and the Commission has therefore proposed a specific action plan to help increase institutional efficiency.

At the end of *this* year, the Commission's Regular Reports will assess whether the "candidates for 2004" have an adequate administrative capacity to transpose and implement the acquis by the time of accession.



Günter Verheugen, speaking at the Conference.

For that purpose we have set up Action Plans for Administrative and Judicial Capacity with each of the candidate countries.

We will not propose the final accession of any candidate until we are firmly convinced that it is properly prepared and meets all membership criteria - political, economic and legal.

One of our most important tasks this year therefore remains the adoption of the EU's legal framework and the actual enforcement of EU legislation in the future Member States.

State of play of the negotiations

At present, between 26 and 20 chapters have been provisionally closed with the ten countries in question.

With Bulgaria, 14 chapters have been closed provisionally, nine with Romania.

The progress achieved so far shows that our principles of differentiation (i.e. each country is evaluated individually on the basis of its merit) and catching-up not only look good on paper, but have actually worked in practice!

Following the roadmap for the Spanish presidency, our aim is to see the presentation of the remaining EU Common Positions (agriculture, regional policy, financial and budgetary provisions, institutions and "other") by the middle of the year and to open all remaining chapters with Bulgaria and Romania in the course of 2002.

The information note on regional policy that the Commission submitted to Member States in late 2001, and the financial framework package we presented on 30 January is intended to allow Member States to discuss all chapters with important budgetary implications in a common framework. I will return to this in more detail in a moment. The Spanish presidency also

aims to provisionally close as many "left-over" chapters from previous presidencies as possible.

With a view to the Seville European Council on 21 and 22 June, the Commission will present a report on the action plan for administrative and judicial capacity, including the monitoring of commitments made by candidates in the negotiations.

A few days from now, work on drafting the Accession Treaty will begin. A Drafting Group is being set up for this purpose in the Council. The preparatory work for this (identification of necessary technical adaptations

to the acquis and inventory of agreed transitional measures) is already underway in the Commission services.

Financial framework

Let me now turn to the topic, which has been hitting

the headlines in recent week: the financial package and the cost of Enlargement:

On 30 January the Commission presented an information note on the budgetary aspects of Enlargement. This sets out the global approach we intend to take in the Draft Common Positions in the areas of agriculture, structural actions and the budget.

In parallel, an agricultural issue paper was presented.

This is more technical than the budget information note and addresses in detail the complex underlying calculations for the agriculture proposals. As regards structural policy, the Commission already presented a horizontal paper at the end of last year.

The most important feature of these proposals is that they are fully in line with the expenditure ceilings agreed in Berlin for the period until 2006. Our aim is to reach an agreement on terms acceptable for all concerned.

The recent discussions in Caceres and during the last ECOFIN Council provided the necessary guidance for the Commission to present these Draft Common Positions in the course of this month and April.

In preparing the DCPs, the Commission will keep to three basic principles:

- First, that the global Berlin ceilings must be respected, even though we are accepting 10 new Member States out of an envelope for 6;
- Second, that new Member States should take part in all common policies, even though in some areas certain transition periods may be required;
- Third, that negotiating positions should be without prejudice to future reforms, but that the negotiations and the reform debate are two separate issues.

We therefore take the view that the package can only be an end point, not a starting point for negotiations. We cannot afford to give rise to further concerns in the

candidate countries that they will not be treated as equal partners. It is for precisely this reason that I also believe new Member States should not see their net budgetary position deteriorate upon accession, which would be politically unacceptable.

Let us look at these issues in more detail

Regarding agriculture, it is true, no specific provision was made for direct payments at Berlin until 2006. But neither was it ruled out. Politically, it is clear that there can be no two-tier CAP in the medium term *and*, this is equally true, direct payments are part of the existing *acquis*.

In order not to jeopardise the restructuring necessary in these countries, direct payments should be introduced gradually and rural development policy reinforced. The support proposed for rural development makes up more than 50% of the agricultural package.

Our proposal promotes restructuring and rural development and, through a long phasing-in for direct payments, creates a social safety net to prevent large-scale emigration from the rural countryside.

The proposals do not prejudge the future shape of agricultural support in the EU. Enlargement and CAP reform may proceed in parallel, but linking them would risk serious delays of Enlargement. Member States have already agreed that there can be no new preconditions for Enlargement.

For Structural and Cohesion Funds, Berlin offered a 5-year phasing-in. We now only have a 3-year period, so that a compromise is necessary.

Compared to the Berlin framework, 2002-2004, the Commission actually proposes an increase in spending only for the Cohesion Fund, and not for Structural Funds. By focusing the increase on Cohesion Fund expenditure, we facilitate absorption since Candidate Countries are becoming well acquainted with ISPA measures. It also allows to focus activities on environmental and transport infrastructure projects, where we see the main needs in the Candidate Countries.

The amounts proposed for structural, cohesion and rural development measures make up some 76% of the total package. The Commission's proposals have been specifically designed so that the new Member States can build on the experience and the management structures of SAPARD.

A further question is budgetary compensation

New Member States will have to pay full contributions to the EU budget upon accession, some 5 bn Euro per year. Since there is a real possibility that initially a number of them could temporarily find themselves in a worse position in net terms than in the last year of pre-accession, we suggest to agree on a lump sum payment that should not exceed the payments ceiling foreseen at Berlin. We think this is a better solution than starting

new membership with a reduction on new members' budget contribution.

Finally, our package makes certain supplementary provisions, including measures to help ensure a high level of Nuclear Safety by decommissioning old nuclear power plants in Lithuania and Slovakia and a new Transition Facility for Institution Building to improve administrative capacity in the future Member States.

Finally, reflecting our aim to help resolve the Cyprus problem, we propose new support measures for the northern part of Cyprus.

All in all, I think this is a balanced package, both politically speaking and in terms of its content. Apart from the financial question, several other issues still need to be resolved:

- As regards Cyprus, we welcome the recent improvement of relations and continue to give our full support to the UN initiatives to come to an overall solution. I am personally fairly confident this can be achieved in the required timeframe.
- We also encourage Turkey to continue efforts towards complying with the economic and political accession criteria, emphasising in particular the issue of human rights. The European Council has endorsed the Commission's recommendation that the pre-accession strategy for Turkey should move into a new stage, with the detailed scrutiny of Turkey's legislation and preparation for alignment with the *acquis*.

Ratification of the Nice Treaty

The Treaty of Nice, which sets out the essential institutional conditions for Enlargement, has already been ratified by 10 Member States. Apart from fairly lengthy ratification procedures in Belgium and Greece, the "no" vote of the referendum in Ireland in June last year requires further attention. The Irish government is organising a national convention to clarify the issues related to the Treaty as part of a wider forum on the relations between Ireland and the EU.

This might lead to a second referendum in the second half of 2002.

The Commission hopes that all Member States will complete the ratification process as planned by the end of the year.

Ladies and Gentlemen,

it is essential that we continue the negotiations in accordance with the timetable of the roadmap. The Commission is determined to proceed on this basis and to provide all necessary proposals in due time.

We are ready to meet our commitments and I would ask you to lend us your support in this truly historic process.

Thank you for your attention. □

Summary of Proceedings

Fifth European Conference

Enlargement of the EU: Last Lap or Last Chance?

Maastricht, 4-5 March 2002

Dr. Phedon Nicolaidis and Anne-Mieke Den Teuling

Professor / Research Assistant, respectively, EIPA

This regular event which is organised by EIPA on an annual basis aims to review the progress of the enlargement of the European Union. Every year, however, the theme of the conference changes to reflect the evolving nature of enlargement. As indicated in its title, the main concern of this year's conference was the perceived urgency to conclude the accession negotiations on time.

As with previous events, the conference brought together representatives of the EU and all the countries that have applied for membership of the Union. It is probably the only non-official event in Europe where all the thirteen candidates are represented up to the level of their Chief Negotiator.

The programme of the conference this year had three main parts. The first part considered the positions of the candidates with respect to the negotiating chapters that were still open. Those were the difficult chapters of agriculture, regional policy and the budget. The second part examined the aims and concerns of the candidates with respect to the Convention on the future of the EU that was launched just a few days earlier at the end of February. The third part looked at the preparation of the candidates to assume the obligations of membership and assessed the Action Plan of the Commission to strengthen the capacity of the candidates to enforce Community law and policies effectively.

The highlight of the conference was the keynote address by the Commissioner for Enlargement, Mr Günter Verheugen. He began by stressing that neither the EU nor the candidates could afford any delay in enlargement. The reason was that there were high expectations on both sides and any delay could cause a backlash.

He then referred to the latest proposals of the Commission concerning the negotiating chapters on the common agricultural policy, regional policy and structural funds and the budget. He believed that the proposals, tabled on 30 January 2002, were pragmatic in the sense that they respected the framework agreed at the Berlin European Council in March 1999, while at the same time offered a good deal to the candidates. The deal included elements favourable to the candidates, which were not covered by the Berlin agreement, such as direct payments to farmers. The ideas put forth by the Commission, Mr Verheugen argued, were not just the

opening shot of a bargaining process, but a viable deal for both sides.

The Commission drafted its proposals on the basis of the following principles: the budgetary ceiling would be respected, the ten candidates scheduled to take part in the next accession would be immediately integrated in all policies, accession negotiations would be conducted and concluded without prejudice to any policy reform within the EU and, lastly, the new member states would not experience a deterioration in their budgetary position vis-à-vis the EU, after taking into account their current receipts from the EU.

With respect to the common agricultural policy, support for rural development would take up about 50% of the package, while direct payments would be phased-in over a ten-year period. The proposed measures were intended to minimise social disruption within the candidates from a sudden increase in agricultural prices and provide incentives to farmers to restructure. Mr Verheugen did not think that the opposition of some of the existing member states to direct payments was justified. Even though they were not included in the Berlin agreement, they were not explicitly excluded. Mr Verheugen stated that the direct payment schemes were an intrinsic part of the existing *acquis* and that a two-tier common agricultural policy was unthinkable. He also referred to the relatively modest financial impact of direct payments (EUR 2.6 billion) on the total amount of EUR 40 billion earmarked for enlargement.

The outlined measures on structural funds also provided for a phasing-in period which was, however, restricted to only three years (i.e. until the end of the present financial perspective of 2000-6). A positive element for the candidate countries was the recommended increase of financing from the Cohesion Fund which allowed for a lower percentage of co-financing by the recipient countries (hence, it involved a relatively larger amount of EU funding).

The proposal of the Commission on the budget differed from those made in the past in at least one significant factor: it envisaged that the new member states would pay in full their contributions (estimated to reach EUR 5 billion per year in 2006). At the same time, however, they would benefit from a "modulation" of these payments. The modulation would take into account

the fact that the new members would need some time to gain experience in how to absorb Community funds. The purpose of the modulation would be to prevent a deterioration of their net budgetary position.

Mr Verheugen expressed his disappointment at the initial negative reaction of the candidate countries but he was encouraged by more recent and more positive comments which were, he believed, the result of the growing realisation by the candidates that the Commission also had to defend its proposals within the EU.

The Commission paper of 30 January 2002 also included some hitherto new elements such as special funds for the strengthening of public administrations, decommissioning of nuclear power stations and assistance to the Turkish Cypriots. Mr Verheugen added that the EU wanted to encourage the Greek-Cypriot and Turkish-Cypriot leaders to reach agreement in their on-going discussions and for this reason the Commission recently included in its programme for 2003 a provision for a "peace package" for Cyprus. In a related question on the Cyprus problem, he said that he was "cautiously optimistic" about the prospects of solution and the entry of a united island into the EU.

In relation to Turkey, Mr Verheugen welcomed the constitutional and other legal reforms intended to strengthen the protection of human rights and the rights of minorities. He warned, however, that although such reforms were necessary, they were not sufficient. The EU wanted to see tangible results through strict implementation and full commitment by public authorities at all levels of government and in all regions of the country.

In response to a question on the impact of the Treaty of Nice on enlargement, he made it clear that ratification of the Treaty was indispensable to enlargement. Contrary to other views, the Commission did not believe that enlargement could proceed successfully without ratification, simply because the legal solution of introducing all the necessary treaty changes in the Treaty of Accession was not of equivalent political significance. He clarified that there will be only a single Treaty of Accession for all ten countries that are expected to join the EU at the same time. Although all existing member states will need to ratify that Treaty, there will be a clause in the Treaty allowing accession to proceed in case one or more of the candidates would fail to ratify it. In this context, he also mentioned that the Commission would soon prepare the draft common position on institutions so as to close the relevant chapter under the Spanish Presidency.

After the speech of Mr Verheugen, the conference turned to its first main theme, that of the open negotiating chapters. The speakers from the candidate countries by and large accepted that the ceilings agreed in Berlin had to be respected. But they did not accept that new members would be treated worse than existing members of the EU. One of them went as far as to claim that equal treatment, as a matter of principle, was considered more important than the eventual financial gain.

Interestingly, representatives of the candidates were more concerned about the chapter on agriculture than the chapter on regional policy and structural funds. That was because of the long transitional periods envisaged in agriculture, the limited access to direct payments and the choice of reference periods for sugar and milk quotas which were perceived by the candidates to ignore the production potential of their farmers.

Some of the speakers questioned the line of reasoning of the Commission which, on the one hand, considered certain candidates to be too prosperous to qualify for support under Objective 1 of regional policy but, on the other hand, not prosperous enough to be eligible for direct payments in the chapter of agriculture without any phasing-in arrangements.

There were also other similarities among the candidates. For several of them obtaining exceptions or long transitional periods with respect to taxation of cigarettes and traditional alcoholic drinks were important for domestic reasons.

Despite these similarities there were also significant differences in their priorities. While the agricultural and regional chapters were the most important for some countries, for others the most important were the chapters on taxation, competition and transport (restrictions on cabotage).

In addition, several speakers mentioned that although they were not particularly concerned about maximising their receipts from EU policies and funds, they thought it was vital to be seen to gain concessions from the EU. They could use such concessions as proof of the benefits of EU membership to their increasingly eurosceptic domestic audiences.

The second main theme of the conference, was the participation and intentions of candidate countries in the Convention on the future of the EU. All speakers regretted the fact that no representative of a candidate country was included in the Presidium. They also appeared to be sharing at least one common goal which was to prevent further dilution of the influence of smaller member states.

Surprisingly, one of the speakers revealed that his country felt obliged not to air views that contradicted those of the existing member states which were regarded as their main supporters within the EU. This raised the question whether the candidates could act freely within the Convention as long as the accession negotiations were not closed. It also led to a related question on whether existing member states would be tempted to exploit their stronger bargaining position in the accession negotiations in order to obtain the support of the candidates in the Convention. These considerations showed that despite official pronouncements to the contrary, there was a *de facto* link between the Convention and the enlargement of the EU.

But some speakers also expressed concern about another possible link; that the EU would be distracted by the deliberations in the Convention. The candidates attached higher importance to the conclusion of the accession negotiations than the Convention.

The third main theme of the conference was the state of preparedness of the candidates, the challenges they encountered and the support they required in order to conclude the accession negotiations successfully. In general, the candidates were optimistic about the progress of their preparations in meeting the Copenhagen political and economic criteria and confident of being able to complete the negotiations by the end of 2002.

They were more concerned about the issue of administrative capacity. Both the task of ensuring effective implementation as well as the credibility of their measures in this respect towards the Commission posed problems to the candidate countries. The Action Plan presented by the Commission in the Strategy Paper of November 2001 to improve the administrative capacity was considered to be a useful but insufficient tool to solve these problems. Indeed they were not certain how and on the basis of which criteria they would be judged at the end of 2002 on whether they would have reached the prerequisite level of preparedness. In some new policy areas for them, such as regional policy, they hardly had any enforcement record to prove that they were ready to assume fully the obligations of EU membership.

Other challenges facing them were the compliance with the commitments made in the form of transitional

periods on the medium and long-run and maintaining public support for the enlargement process, even though most candidates did not regard it as a serious problem.

Despite the many hurdles still remaining, the general consensus was that the enlargement process seemed to be well on track. As the Commission representative mentioned in his final observations at the end of the conference, the EU would honour its promise to conclude the negotiations at the end of this year and would refrain from setting any additional preconditions. The Commission, at least, opposed any link between internal EU reform and the ending of the accession negotiations. With respect to the remaining open chapters, neither regional policy, nor the financial package posed any insurmountable obstacles. Therefore, the most serious problems appeared to be in the area of agriculture. But solutions and compromises could be found even in the chapter on agriculture once it was realised that any gains or losses in agriculture were minuscule in comparison to the overall benefits from EU membership.

The 6th European conference on EU enlargement is scheduled to take place immediately after the signing of the Treaty of Accession, most probably in April or May of 2003. It will assess the outcome of the accession negotiations and the provisions of the Treaty of Accession. □

The Mutual Recognition of Diplomas

A quest for a more effective/efficient operation of the system while ‘living in the shadows’

Dr. Timm Rentrop

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Abstract¹

The Recognition of Diplomas and Professional Qualifications obtained abroad is a potential stumbling block to the Free Movement of Professionals. Although a system to facilitate this has long been established, it often faces problems itself which, in turn, make this field a source of obstacles to free movement. The methodology in this framework has changed and should speed up matters, but more could be done in particular to boost the crucial element of success: mutual trust. Progress here would enable the relevant bodies to decide upon recognition with greater ease. A pivotal means to achieve this would be an increase in the exchange of information between the parties concerned. Furthermore, counterweighing the Directives' aim of promoting the free movement of professionals, in real life there is also the need for security and safety, which the relevant authorities have to safeguard as well, and which can thereby enter into conflict with the aim of free movement. Here the issue of being able to effectively control the professional conduct of foreign professionals comes into play as well. They would also benefit from enhanced cooperation and a cross-border exchange of information, increasing mutual trust in the process.

Introduction

The mutual recognition of diplomas and qualifications obtained abroad is a cornerstone of the Internal Market as the freedom of movement for persons would be seriously impaired without a system facilitating such recognition. Instead of imposing nationality requirements, a Member State could maintain its borders contrary to the Internal Market by insisting on the national diplomas before granting foreigners access to regulated professions. This would condemn the cross-border movement of professionals to a paper-existence as hardly anyone would re-train to overcome such a hurdle. Alternatively, this freedom would be limited to unregulated professions.

In order to avoid this, Member States' authorities with the power to refuse access to a profession cannot ignore foreign diplomas and qualifications,

but are obliged to consider them properly. Mechanisms have been put in place to ease the work of the officials, especially when it comes to obtaining information on what the foreign paper stands for.²

It is not within the scope of this article to present these systems. Rather, as these systems have problems of their own, it is the practical problems with them which will be examined here.

Misunderstandings about European Law in General

It is often overlooked that the provisions of the Directives that permit a refusal of recognition do not force a state to do so – they provide it with the possibility to do so. When the conditions imposing recognition are not met, a state can refuse recognition, but if it wants to it can also grant recognition. It can adopt a more liberal approach and is entitled to recognise a foreign diploma that it could otherwise refuse to recognise. However, there is no possibility to be stricter than the Directives allow, for example the additional requirements a state can ask for, constitute what is the maximum, i.e. the ceiling on what can be demanded is provided for in the Directives. One

also sometimes encounters an undue limitation to the Directives: European Law has more to say on the mutual recognition of diplomas than purely what is stated in the relevant Directives.

There is the text of the Treaty and the case-law of the European Court of Justice on the principles it directly imposes on national administrations. However, this fact is sometimes overlooked and recognition is then refused too quickly on the basis that the situation does not fall within the Directives and due to the belief that there is thus no obligation to recognise. However, the Court of Justice in Luxembourg has made it clear³ that a Member

A decisive matter in overcoming any practical problem is the attitude and methodology of the operators

State also has to consider recognition in situations that fall outside the framework of the Directives and then the decision has to be based on principles found in the Treaty, as interpreted by the case-law.

Practical Problems

- Officials working in this area face an uphill struggle: the profile of this topic is low although it can 'make or break' the free movement of professionals. Officials therefore come in for criticism when things go wrong, but no-one notices their work when everything runs smoothly. In addition, the amount of cases involved may appear to be surprisingly small. However, the numbers of demands for recognition are actually just the tip of the iceberg and do not show the true extent of the movement of professionals across borders. There are those professionals who operate under their 'home country' title and, more importantly, those who work in the framework of international operations, either as self-employed professionals in large cross-border partnerships or as employees in companies and who therefore do not appear in any statistics.

The infrastructure to facilitate the recognition procedure therefore suffers from a poor allocation of resources. More proactive work would be possible with greater resources and a better infrastructure. Some of the problems and possible means to address them, such as an increase in the exchange of information, are mentioned below, and the situation would obviously immediately improve with an increase in resources.

However, sometimes the issuing authorities are slow to provide full information and hence there should be means for that country's contact point in the European network to force a more rapid reaction to enable the host country's authorities to access the information needed for its decision on recognition.

- A matter that is often underestimated and thus does not feature sufficiently, is feedback from the decision makers to the information bodies that provide these decision-makers with data on the foreign diplomas and advise them on what the analogous position in the national system would be (these are often the national contact points in the various international networks in this field). The latter usually only hear about further developments of a dossier they have handled when things go badly. It would of course provide more satisfaction to such officials to also hear of the cases that went well. They would then also be able to provide more complete feedback to the regulators and legislators for whom this information should be important when considering a reform of the profession in question.
- In addition, the whole recognition procedure is a

long learning process: collecting data on foreign systems in order to take the relevant decisions, keeping these data up-to-date, maintaining the networks etc. Some problems may be easier to deal with as the level of knowledge on the other countries increases.

- Another practical issue that has been highlighted is that of the proof of professional experience. Here one should consider cultural differences between countries on the approach towards documentation. Some countries are very formal, others need the inclusion of a great level of detail in order to feel confident about ascertaining the substance of the experience documented and the value of that particular document. Others again are used to more general documents. A

possible factor here is the size and homogeneity of a profession: if it is akin to a 'club', then few words are necessary for a document to be understood by the others in that profession (they know what it means). However, in a country where that profession is, for example, more diversified, such a 'compact' document may lead to unnecessary uncertainty about the precise nature of the experience proven thereby. Here, too, an increased flow of information is of help: learning from others, sharing best practice, establishing a code of conduct and, if possible, greater standardisation would all go in that direction. For example, if the format of a reference is similar, it is easier to process in another country.

- Then there is the problem with terminology: similar sounding diplomas may stand for very different things. There is also the difficulty of using 'coded language', such as the use of certain apparently positive terms in a letter of reference to describe what are, in fact, shortcomings of and problems with the person concerned. For example, when a reference states that someone was 'very punctual', it actually means that apart from punctuality there is nothing else, positive or negative to be said of that person, i.e. he or she is without drive, initiative or enthusiasm. Or, when someone is referred to as being very 'open to the concerns of others', it means that he is a womaniser. Since this is only apparent to those who share this 'code', the meaning is most probably not shared in other Member States, and serious errors of judgement or a lack of protection of the consumer/client can result. If you are surprised by the examples, that is no surprise since they stem from the code that is apparently being used in Germany.
- The choice given frequently in the Directives to applicants⁴ of whether to take an aptitude test or to complete an adaptation period can pose problems for states where the size of the profession in question is (still) small and the infrastructure for either an aptitude test or for the proper organisation and

From the principle of equivalence;

Some countries go further and

practice a principle of acceptance

supervision of such an adaptation period is not in place. It could also be the case that since the adaptation period could be spent in a private practice or in company employment, there may be unwillingness to take on such trainees if they are going to become competitors or join competitors later on. Better explanation of why an adaptation period or test is needed might also help the applicant make a better choice here.

Important aspects for dealing with these problems in the short term

A decisive matter in overcoming any practical problem is the attitude and methodology of the operators – aspects that ‘make or break’ a system, since even the best-designed system will not function properly when the operators have the wrong attitude and, conversely, even a ‘bad’ system can function to a greater or lesser extent with the right attitude.

Regarding the attitude and methodology employed by those operating the system, we can see how the guiding spirit has evolved over time:

- From the principle of equivalence (using a course-by-course/subject-by-subject analysis in a quest for an identical content between the foreign diploma and the local one, which was somewhat feasible at the time, when (higher) education was fairly comparable and there was little mobility), an approach which was embodied in the sectoral Directives (with full harmonisation of the study programmes) at a time when and on issues where traditionally there was already a certain homogeneity among the different countries’ systems, there is – a shift to the principle of recognition (with an increase in mobility and an expansion/proliferation of higher education and different types of courses, where one no longer looks for the identical but the comparable, i.e. verification that a course is on the same level, while accepting small differences in content), as demonstrated by the move to the use of general Directives (mutual recognition: mutual confidence in educational systems, reversed burden of proof, acceptance – while respecting differences, recourse to the concept of the ‘finished product’ meeting minimum requirements).

Some countries go further and practise a principle of acceptance. Thus, even when there are bigger differences, a foreign diploma is accepted due to mutual trust, boosted by international cooperation. The increased mobility of graduates makes the move towards this spirit of acceptance even more necessary. This approach respects the differences between the

systems. A certain convergence of the systems boosts this development and enriches the home system.

In this respect it is useful to look back at the Bologna Declaration of 1999 on a European Higher Education Area,⁵ which tries to achieve greater transparency and easier mobility through:

- a pan-European move to a Bachelor (undergraduate)/ Master & Dr. (postgraduate) system by 2009, with the Bachelor’s degree providing access to the labour market,
- the use of the ECTS⁶ and
- the Diploma Supplement.⁷

From an approach concentrating on the paper qualifications it could also be said that there is a move to an approach where the person counts, not (just) the diploma, since work experience demonstrates more what a person is actually able to do than a diploma, which stands for what one should be able to do. The European Court of Justice has in fact always stated that authorities have to consider everything in a person’s background, not just the diplomas, but also any experience already acquired:

“The authorities of a Member State to whom an application has been made by a Community national for authorisation to practise a profession, access to which depends, under national law, on the possession of a

diploma or professional qualification, or on periods of practical experience, must take into consideration all the diplomas, certificates and other evidence of formal qualifications of the person concerned and his [or her] relevant experience, by comparing the specialised knowledge and abilities so certified and that experience with the knowledge and qualifications required by the national rules.”⁸

When actually deciding on recognition, there are a number of different criteria that are being used:

- Formal Criteria: laws/agreements governing access to the profession/regulating recognition
- Functional Criteria: the purpose and rights relating to the profession
- Material Criteria: entrance level/selectivity/duration/study load/structure/content leading to a final level of know-how necessary to practise the profession
- Other criteria: the purpose/status of the Profession.

As for the officials who operate the relevant information systems, their influence, often only of a non-binding nature, (just) advising those who actually decide on recognition, can vary with their own attitude and methodology. By highlighting the potential impact of

From an approach concentrating on the paper qualifications it could also be said that there is a move to an approach where the person counts

a wrong decision (e.g. the danger of having to pay compensation) their advice can become more forceful. By spreading best practice and information on the systems in place in other countries, their advice can be made easier to accept even where decision makers are reluctant to recognise a particular diploma/qualification at first sight.

Recognition for professional purposes is more difficult than for academic purposes, since there are not only differences in training but also in the profession itself, for example, the differences between the various legal systems both in form and content. In addition, there is a psychological element in that professionals tend to be strict – they are used to their system and consider it to be the most appropriate for their situation, thereby placing a significant hurdle in the way of different approaches. In addition, one should never underestimate an instinctive protectionist reaction when faced with newcomers from abroad (who could become competitors).

... And this is not just a matter for the authorities: One should also examine the attitude of the applicant, which can improve matters or make them worse. For example he/she may consider having to take an aptitude test to be ‘beneath him/her’, an attitude which would do nothing to reassure the competent authority. In other words, if the applicant insists on having his foreign diplomas recognised without such an ‘insulting’ requirement (as he/she is ‘far too senior’ to face this kind of hurdle), this behaviour will not make the recognising authority feel at ease. Such intransigence would lead to the opposite result – a hardening of the resolve of the host country’s authorities to refuse outright recognition.

The issue of professional ethics and how it can affect the system of recognition

A further topic that is somewhat ‘underexposed’ is related to the enforcement of professional ethics and codes of conduct across borders:

The issue of professional ethics is not as such part of the System of Mutual Recognition of Diplomas and Professional Qualifications. However, with professional experience being a factor in the decision on recognition, a breach of professional ethics is obviously a matter that should be part of the consideration of an applicant’s track record. The great majority of those who make use of the freedom of movement are not an issue here, but there are some who do move country in order to escape problems. Those few that belong to the latter type have to be taken into account by the recognition system in order to protect the clients in the host country.

It is useful to reflect on and examine the purpose of having codes of conduct: they serve to promote public confidence in the relevant professions. This trust needs

to be earned and nurtured, and communication – such as the indication of the standards that are expected – helps.

The problem here is two-fold:

- Some countries do not require subscription to a code of conduct and therefore are not likely to register behaviour that would be contrary to such a code (if there is one). What should happen when someone from one such country goes to another Member State where such an obligation exists?
- Then there is the problem of notification and the flow of information: if a problem has indeed arisen, how are the competent bodies in other countries notified of this in order to protect the public from the individual concerned, should he/she cross the border (perhaps to escape the consequences of the misconduct)? The sworn statement foreseen by the Directives is difficult to accept in some cases and confidence would obviously be increased if some third-party certification could be found in all cases, thereby removing the fear of falsification by the applicant. At the moment such a matter would only be dealt with when formal recognition is requested and proof of good character is required. Nothing is provided for so far in the case of the Provision of Services or Establishment with the use of the home title – the first reaction would be a pan-European register (or black list), but that could constitute a problem from the point of view of data protection and may be difficult to agree upon (e.g. what kind of breach would be included, all or only major ones...). A practical step would be the linking up of existing national registers, but that would not solve the problem described above, where no such register exists in the first place and may also face formidable obstacles in the shape of differences in terminology and the weighing up of particular types of misconduct. A first step in the same direction could be to use a RASEF/RAPEX style network (a system for the rapid exchange of information on dangerous products or foodstuffs to protect consumers EU-wide⁹) or to actually extend these networks to professions. Their purpose is to be an alarm-bell once problems are discovered, and this is precisely the case here, although this time not in relation to dangerous products, but in relation to problematic professionals.

A parallel issue that arises is that of the differences in the possibilities for rehabilitation: if the rules of the profession provide a mechanism for someone who has disrespected professional ethics to be allowed back into practice, such rules may differ widely between Member States on issues such as when readmission can be

considered and the kind of measures and conditions that can be imposed.

What does this tell us regarding the need for action

As can be seen from the above, problems often stem from an uneasiness with recognising a foreign diploma, and the “solving” of the immediate dilemma by refusing recognition. In principle, there should be mutual trust in each others’ training systems instead of such uneasiness about the quality of the foreign professional. In order to build up such mutual trust and confidence, the issue of information and documentation to enable the recognition to be made with confidence is a pivotal one; actually, it is a long-standing practical issue that could become more serious with the advent of new types of training.

In order to improve the operation of the system for recognising foreign diplomas and qualifications, communication is important, and not only in the framework of the information networks.¹⁰ The different competent authorities and professional bodies involved in the regulation of professions should be made to stay in constant contact with their counterparts in the other Member States. Ideally, everyone should talk to everyone else. Thus, in order to prevent the flow of information from slowing down unduly, it would seem that channelling the information through a central coordinator is probably not the ideal solution. Having said that, there should be a central point of reference which is at least kept up to date on the information that has been passed on in order to allow others who were not a party in the original exchange of information to have access to it as well. However, in the latter case, the central point mentioned above is more of a depository of information (for example a database), rather than someone who has to actively pass on the information in the first place. Of course, with the growth in the internet and other information technology, more information is becoming available, thereby increasing transparency.

Measures that are being taken to deal with these problems

Among the measures taken to build mutual trust through an enhanced flow of information are:

- The Lisbon Convention,¹¹ which aims to improve recognition through:
 - clear recognition procedures,
 - the right of appeal,
 - uniform and transparent criteria.
- The ECTS – Credit Points System (see above)
- The Diploma Supplement (see above)

Then there is the work by the EU in general and by CEDEFOP,¹² the European Centre for the Development of Vocational Training, in particular to increase the

dissemination of information on the different systems (European Forum, information centres, the EUROPASS system in vocational training).

Further pro-active measures to increase knowledge of each other include:

- Association agreements between schools
- SOCRATES/LEONARDO¹³

Also, for the officials operating the system there used to be the KAROLUS Programme, an exchange programme for all national officials working in areas relating to the Internal Market. Here, the officials who decided on the recognition were sent to their counterparts in other countries to see how they did the same work there.

Further possibilities

A possibility to ‘force’ an increased exchange of information could lie in the extension of the product standards notification systems.¹⁴ If these were to be applied to regulated professions, like national norms

and standards on products, the requirements to exercise a profession, including any changes, would have to be notified at the proposal stage. This would leave time for

Communication is important, and not only in the framework of the information networks

other Member States or the Commission either to join the initiative, to let it continue without objection, or to object to that action, considering it to be contrary to the Internal Market. The advantage would also be that this would occur before such regulation takes effect, thereby not disrupting the professionals who would like to make use of their freedom to move.

On a substantive matter, to accommodate serious differences in training without having to block professionals wanting to cross borders, a modular system could be envisaged, using a multi-tier profession to accommodate the differences in standards. Therefore, when there are differences between states as to the range of aspects which should be part of a particular profession, applying the ‘home title’ methodology by analogy could help. Instead of a refusal to recognise, there would be a harmonised set of professional titles used in all Member States, reflecting the different types of qualifications used. All qualifications would thus be acceptable as a suitable counterpart exists in the host country, even if the professionals there use a different qualification. However, then there is the practical problem of finding neutral terminology that does not degrade the less stringent qualification.

Conclusions

On all of these issues, regular meetings and information exchanges would at least support moves to increase mutual trust through common understanding of the different systems, which could also increase convergence and, perhaps, ultimately a common set of standards. In fact, most professional rules are constantly changing

with a core of DOs and DON'Ts that are fairly comparable from one country to the other. So, again, one is back to the call for an increase in the measures supporting the exchange of information.

Although the Directives aim to promote the free movement of professionals, in real life the relevant authorities have to weigh against this aim the need for security and safety, which could conflict with the aim of free movement. Increasing mutual trust would be an antidote to such an unfortunate development. However, mutual trust is like gold dust:

everyone wants it but it is hard to come by.

Finally, one should never forget that the Legislation on the Mutual Recognition of Diplomas and Professional Qualifications only deals with some of the matters that have to be addressed in order to promote true Free Movement of Persons: without support in other areas, such as Social Security, Pensions and Health Insurance, the real Internal Market will not be attained.

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NOTES

¹ The following constitutes a summary of the outcome of a colloquium organised by the *European Institute of Public Administration*, Maastricht, from 5 to 7 February 2001 (<http://www.eipa.nl>)

² They have either been created outside the framework of the EU, especially in the framework of recognition for academic purposes, or result from EU Law: the 'Sectoral Directives' applying to certain professions only, and the General Systems Directives (Directives 89/48/EEC (OJ L19, 1989); 92/51/EEC 50J L209, 1992) and 1999/42/EC 50J L201, 1999).

³ Hugo Fernando Hocsman v Ministre de l'Emploi et de la Solidarité, Case C-238/98, [2000] ECR I-6623.

⁴ Where the contents of the professional training in the host and home countries are found to differ the authorities of the host country are entitled to require an adaptation period (work under supervision/accompanied by a national professional) or an aptitude test (not further defined in the directives) – only in a few specified cases can the state impose one or the other; normally the applicant must have the choice.

⁵ Signed by the Ministers of Education of 29 European countries on the occasion of the Confederation of EU Rectors' Conference held in Bologna on June 18-19, 1999.

⁶ The European Credit Transfer System – a credit points system, where points are attributed to a degree: the visited institution provides an information package on the courses on offer, on the basis of which the home institution attributes a number of credit points the student will have taken into account for the purposes of the diploma of the home institution and there is a contract between the student and the institutions.

⁷ A document with the aim of increasing the readability of a diploma: it provides information:

- on the holder,
- on the qualification – the fields of study and the institution,
- on the level – conditions of access,
- on the result,

- on the function – what can be done with it, which professions are accessible with it,
- on the position within the national educational system.

⁸ Case C-340/89 Vlassopoulou v Ministerium fuer Justiz, Bundes- und Europaangelegenheiten Baden-Wuerttemberg [1991] ECR I-2357, paragraph 16, Case C-104/91 Aguirre Borrell and Others [1992] ECR I-3003, paragraph 11 and, most recently, Hugo Fernando Hocsman v Ministre de l'Emploi et de la Solidarité, Case C-238/98, not yet reported on paper.

⁹ Set up by Council Decisions 84/133/EEC, 89/45/EEC and 93/580/EEC – note also Article 8 of Directive 92/59/EEC (Official Journal No. L228 of 11.8.92, p. 24) on general product safety and Directive 98/43 (Official Journal No. L204 of 21.7.98, p. 37).

¹⁰ 2 networks co-exist:

- for academic recognition the NARICs (national academic recognition information centres – in the EU) and ENICs (European Network of National Information Centres – non EU-Council of Europe members)
- for professional recognition a network of national contact points/coordinators exists for the 2 General Systems (often they are the NARICs as well).

¹¹ UNESCO-Convention on the Recognition of Qualifications Concerning Higher Education in the European Region, Lisbon, 1997; The European Treaty Series, n°165, Council of Europe – UNESCO joint Convention: The Convention aims at facilitating the recognition of qualifications. It takes as its point of departure that qualifications should be recognised unless the competent authorities of the host country can show that there is a substantial difference between the qualification for which recognition is sought and the corresponding qualifications of the host country. It also makes provisions for the information on the assessment of higher education institutions and programmes, and it strongly emphasises the

importance of information on recognition matters and on the implementation of the Convention. Some distinctive features of the Convention are:

- a joint effort by the Council of Europe and UNESCO, and it will gradually replace several existing Conventions elaborated in the separate framework of each organisation;
- a clear statement of the principle that applicants are entitled to a fair examination of their qualifications within a reasonable time limit and according to transparent, coherent and reliable procedures, and without discrimination with regard to such factors as the applicant's gender, race, colour, disability, religion, political or other opinion;
- a reformulation of the guiding principle for the recognition of qualifications

¹² Cedefop is one of the decentralised EU agencies, created 25 years ago and based initially in Berlin, now in Thessaloniki. Cedefop is basically a research institute covering vocational education and training (VET) and its tasks mainly include providing information and analysis and organising debates on VET. "Cedefop" is the French acronym of the organisation's

official title, European Centre for the Development of Vocational Training (Centre Européen pour le Développement de la Formation Professionnelle).

¹³ SOCRATES is the European Programme for education with the aim of promoting the European dimension. It targets all players involved in education with a series of sub-programmes of which the best known is ERASMUS, an exchange programme for university students. LEONARDO DA VINCI is the action programme for implementing the European Community's vocational training policy, supporting and supplementing action taken by the Member States, by pursuing 3 central aims: facilitating occupational integration, improving the quality of training and access to training and boosting the contribution of training to innovation.

¹⁴ Such as the one set up by Directive 98/34/EC (Official Journal No. L204 of 21.7.98, p.37), the one set up by Decision No. 3052/95 (Official Journal No. L321 of 30.12.95, p. 1) and the one set up Regulation (EC) No. 2679/98 (Official Journal No. L337 of 12.12.98, p.8). □

Integrated Coastal Zone Management – A challenge for the EU in the 21st century

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Abstract

One area of the environment which has become of great importance to the European Union (EU) is the coastal zone, which extends to over 90,000km, has an estimated 200 million people living within 50km of it and supports over 50% of Europe's richest and most sensitive ecological areas. The coastal zone, where sea water, land and air interact to result in often favourable habitats for a number of species, including human beings, has been on the agenda of the environmentalist ever increasingly since the late sixties. Diminishing resources, loss of habitats, degradation of quality of life due to population increase and pollution all because of destructive use patterns and lack of proper management, caused significant concern at various levels for the future of coastal lands and waters together with offshore components.

The EU's coastal zones are influenced by a number of policy areas, which at first glance are thought to have nothing to do with them. Integrated Coastal Zone Management (ICZM) is not just a part of the general EU's environmental policy. Badly planned tourism developments; the decline of the fishing industry; poor transport networks; increasing urbanisation; pollution problems generated through agricultural means; regional policy; the roles of education, culture and employment; military defences and industrial development: these are but few of the policies/issues that spring to mind and which play a role in ICZM. Thus the importance of very close co-operation between the different Commission directorates as well as the local and national organisations within the EU's member states is of utmost significance.

The purpose of this introductory paper on the subject is to provide an overall look at the birth of ICZM within the EU's framework and to give a glance at some of the policy areas playing major roles in ICZM. The ultimate aim is to catalyse public support to the goal of ICZM which according to recent studies on its potential socio-economic values, could be worth up to 4.2 billion EUROS for the EU as a whole. In this paper I will also show that implementation of ICZM strategies can cost little to the different Member states, but ultimately could generate significant returns.

The present European Union (EU) coastline extends to just over 90,500km¹, has almost half of the Union's population living within 50km of the sea² and supports over 50% of Europe's richest and most sensitive ecological areas. Unfortunately, a vast majority of these dynamic systems are nowadays under threat from urbanisation and pollution, consequently damaging much of Europe's coastal region. The economies of the southern Member states of the EU, where the richest ecological areas are to be found, are becoming more and more reliant on seasonal incomes from tourism, with a consequence too that land-occupation along the Mediterranean shores is growing annually. It is true that at both a Union and member state level there is a surplus of regulations and initiatives which focus on specific aspects of environmental protection in coastal areas such as nature conservation; regional and town planning; waste; water and fisheries, but most of the member states and the Union as a whole are still without an effective strategy for managing and preserving this coastal heritage. It is a great welcome that the EU is now working to introduce a co-ordinated policy for the Union's coastal regions.³ Besides taking steps to improve the EU's policies that influence coastal areas, the member states with a coastline⁴ are being asked to have national strategies to protect their coastal regions.

The need to conserve the coastal zones as an element of the community's natural and cultural heritage and as an essential basis for economic and social development has long been recognised.⁵ A number of the legal, financial and planning instruments available have and are being indirectly applied to coastal zones. Since the 1970s, the EU has put in place over 300 instruments to protect and enhance its marine and coastal environments. These include a vast number of directives and regulations relating to water quality, pollution, nature conservation, maritime transport, fisheries and agriculture. Through the European Environmental Agency (EEA), and the Community's research programmes (Framework programmes), the EU performs important activities in the field of scientific research and data and information collection with reference to the state of the environment in Europe and the integrated assessment of coastal zones. Funding for coastal area projects is provided by the EU on a regional basis for the less developed and industrial crisis areas.

Integrated Coastal Zone Management (ICZM) is a new field with a growing international support, an idea which promotes integrated management plans to deal with coastal resource problems. It is not just any other environmental policy or part of a present one. It is an area where environmental and socio-economic goals are

intertwined. What the different research groups, governments and the EU as a whole have realised is that ICZM is a dynamic programme which will continually need updating since it is sometimes very difficult to predict the precise problems a particular coastal region will face in the future. Thus it is not a one-time project. The need to bring together all local, regional, national and European policy makers is of utmost importance to ICZM. There has to be co-ordination at all levels in order to have a successful integrated coastal zone management plan for the region or country. The stakeholders must include policy-makers, residents, national and local representatives, NGOs and the business community. ICZM is designed to increase contacts between sectors of government and the local and regional authorities so that the policy-makers can get a clearer picture of the different needs of Europe's coastal areas.

When relating to ICZM, there is no international general agreement about the appropriate use or meaning of the common phrases and terms used, a number of which are used interchangeably in the literature to describe the activity of managing a coastal region, area, use or resource. According to Sorensen and McCreary⁶, ten terms are frequently used when referring to Coastal Zone Management (CZM), referring to identities of the various units of government in the world (Coastal Nations) and their different programmes established for the purpose of utilising or conserving a coastal resource or environment (Coastal Management). The crux comes with defining the term "Coastal". Its definition varies considerably. To some it connotes fish and wildlife, to others beaches and dunes, and still to others broad reaches of land and water. Nowadays the word "coastal" is taken to consider demographic, functional, ecological and geographic considerations as one. Amongst other terms used are Ocean Management; ICZM; and Coastal Area Management (CAM) and Integrated Coastal Area Management (ICAM).

Coastal areas in the EU

Today's Europe coastal zones face larger economic, social and environmental problems than other areas within the member states. There are serious management and planning problems, such as haphazard building developments to accommodate the ever-increasing amount of both citizens and tourists wanting to spend time closer to the sea/water areas. Such developments can cause huge strains on underground water supplies and the creation of new illegal landfills. Transport problems increase due to greater numbers of road vehicles and pleasure craft, and conflicts of interest as to what the locals should be investing in are leading to social problems for the locals themselves. This is not to say that all is bad, in certain areas new projects, if done properly, can help compensate for others on the decline, which in turn make people look for different employment opportunities.

Although the coastal landscapes and seascapes are amongst the most treasured and attractive landscapes in Europe, the coastal regions of Europe are amongst the

poorest regions of the EU and the economic activity should be greatly encouraged. In fact, the condition of the coastal zones is deeply affected by tourism, a European and indeed a worldwide phenomenon and the main source of income most especially for the south member states. Compared with other continents, Europe has "a wider variety of types of coastal zone, with different natural conditions and patterns of human land use".⁷ The three leading types of coastal zones found in Europe are (i) urban/industrial; (ii) intensive tourism and (iii) natural/rural/fisheries. Thus the predominant function represents very different problems and different demographic and economic weights. In addition to specific measures aimed at the protection of the coastal environment, the Union has a series of funding mechanism to provide financial assistance, both for environment protection purposes and for infrastructural development within the Member states. These funds include the Structural Funds, Cohesion Funds, LIFE⁸ and the Common Agricultural Policy (CAP).

Over the years, the EU has issued a number of environmental directives which are of relevance to the coastal zone, but CZM also raises a number of trans-national issues, such as agriculture, fisheries, pollution control and natural conservation. Such issues cannot be dealt with effectively at the national level and the EU can play a vital role in dealing with these common and trans-boundary problems. The EU is currently an important forum for enabling the member states to agree a common line when negotiating certain international agreements.

In the past the coastal zone has tended to be seen as the boundary between land and the sea, rather than as integrated unit. This is clearly reflected by the different legislative and administrative provisions for controlling activity on land, sea-bed and at sea, produced by the different governments throughout the years. Results from the Commission's Demonstration Programme on ICZM⁹ obliged the Commission to adopt two documents, (i) a communication¹⁰ explaining how the Commission would be working to promote ICZM through the use of Community instruments and programmes and (ii) a proposed recommendation¹¹ outlining the steps which the Member States should take to develop national strategies for ICZM. Although the coastal areas could benefit much from the various measures to be taken, it also argued, and rightly so, that each of the member states concerned should develop its own national strategy. National bodies are to provide the legal and institutional frameworks, but at the end of the day, it is the local authorities together with the inhabitants and non-governmental organisations (NGOs) who know what is needed for that particular area. Presently, the Commission is working to implement the EU-wide ICZM strategy through existing Union legislation and programmes, such as the socio-economic study on costs and benefits of ICZM, and the study commissioned by the EU on quality tourism.¹² However experience with the environmental action programmes and regional planning work, have shown that

implementation of anything to do with sustainable development is slow in relation to the complexity of the problems of coastal zones. Thus, the different governments are considering the Commission's call for national strategies, to have a new coastal policy in place which is to be complemented by the sixth environmental action programme's emphasis on the importance of an effective territorial approach to environmental problems.¹³

Agriculture and ICZM

Amongst the most important land uses affecting Europe's coastal areas is agriculture. Much is determined by the farming activities that are carried out in the areas, with many of the fertile areas situated around estuaries and deltas. Although it is of undeniable importance in terms of land cover and economic growth, employment-wise it is on the decline due to imports from countries producing a cheaper crop and having a reduction of area under cultivation than that traditionally used a few decades ago. Grazing of livestock and cultivation have lessened considerably in certain areas, but according to the EU's 1999 report, there is "*a steady increase in the production of arable crops in Europe*".¹⁴ Having any extreme does not augur well, since this could bring about over-production and serious erosion and loss of vegetation with overgrazing. One of the biggest worries is the nitrate contamination from agricultural fertilisers and animal excrement. In small quantities there are no problems, but when in large concentrations, streams, rivers and the sea can become unpleasant and unhealthy to humans.

Fisheries and ICZM

The fishing industry within the EU is at present facing serious difficulties with previous over-fishing greatly reducing fish stocks, which in turn have led to more fishermen leaving their jobs and plunging into economic hardship. The Union's Common Fisheries Policy (CFP) is attempting to control the volumes of fish caught so as to help in the recovery of stocks yet at the same time it reduced the number of boats through the multi-annual guidance programmes for fishing fleets (MAGPs).¹⁵ Unfortunately this instrument did not prove as effective as anticipated. Instead it has created more unemployment in many of the coastal areas, as well as increased hardship to a number of citizens from the localities by the coast who for years had relied on income from the fish they caught. In other areas where fishing is still practised, some are forced to compete with other coastline users, most of which are recreational areas. Leisure navigation is also causing negative impacts on coastal fisheries and fishing stocks.

Another area of fisheries affecting the coastal areas is aquaculture, which on the one hand has increased employment rates and if properly looked after can have a positive outcome on the surroundings, but which has been negatively greeted by a number of localities across the member states since it can create waste disposal and pollution problems in these areas.

Transport and ICZM

Without adequate connects, the EU's coastal regions cannot reap economic benefits to further develop their economies, thus demands in the transport sector have grown steadily. During these last couple of decades, land transport has become the most intensive form of transport from air, land and sea. The use of private cars, lorries and buses has increased multifold and new roads and/or highways have had to be built. Until recently, transport planners have paid little heed to specific needs of coastal areas thinking that roads built right by the coast would be easier and pleasanter for all. In many instances access to the areas have caused many to migrate to the coastal regions (Mediterranean area), but in other instances, the problem of poor transportation links has led others to move away (islands off the coast of Nordic countries such as the UK and Denmark).

For land transport systems to be sustainable, renewable fuels should be encouraged so as to encourage environmentally friendly modes of transport, possibly for most of the public to make better use of them. Although the use of railway and sea is being more encouraged, cars, buses and trucks will continue to be used. Reduction in emissions from such vehicles is a major contributor to having a better air quality.

Sea transport, although better for the environment, has many negative effects on the coastal areas, most especially those areas close to major shipping routes, where accidents can happen affecting not only the sea, but land too. A case in point which has had everyone thinking on new way and methods of safer and clearer sea transport is the sinking of the Erika off the coast of France. Pollution, just as anything environmentally related has no boundaries and can affect many countries. Tourism and aquaculture were deeply affected, at the same time influencing employment trends. Should such a tragedy have happened close to an area where desalination plants¹⁶ are also in place, then (drinking) water production could also have been ceased, affecting the citizens in the localities further.

Environmental matters and ICZM

Water is an essential resource for humans as well as for agriculture, industry, energy production, tourism, urban life, and nature. At the same instance, its transboundary nature as a resource makes it one of the most difficult resources to manage sustainably. Poor water quality is harmful to all living beings and the concentration of harmful substances is partly affected by the volume of water flowing into the system, an important factor in sedimentation patterns in coastal areas such as marshlands and dunes.

Water quality is affected by a range of human activities such as excessive demand; pollution from sewage outfalls; thermal pollution from power stations; irrigation and run-off from agricultural land and operational discharges from vessels at sea. The EU's water quality framework directive¹⁷ is one of the Commission's new approach to addressing problems related to coastal pollution. It aims to ensure that co-

ordinated measures are taken by the different governments to manage water use, tackle pollution and take coherent steps to tackle different sources of pollution, be them from land of sea.

Another major problem for coastal areas is litter, because of its potential impact on wildlife and human health and also because of the high costs to the local communities which must bear clean-up costs and in some cases suffer loss in tourist revenues. Certain communities have introduced mechanical cleaning of beaches but this is a threat in itself, as habitats for small animals and plants are destroyed by the cleaning action of the machines.

Urban expansion is resulting in the destruction of important coastal habitats, beside leading to major impacts on land, air, water and landscape quality. Groundwater is being polluted, traffic is increasing air and noise pollution and prime agricultural lands are being built. The surrounding seas are often used as a repository for waste discharges of all kinds, degrading coastal and marine habitats and having negative consequences on tourism, fishing, and agriculture.

Progress at EU level

The EU's three year Demonstration Programme on Integrated Coastal Zone Management (1996-1999) confirmed that the need of the EU's role in ICZM was evident in a number of issues such as :

- the impact of EU sectoral policy
- the importance of guaranteeing environmental health to all European citizens
- the opportunity to make better use of existing EU funding schemes
- the international dimension of many coastal and marine environmental issues
- the strategic role of the EU in the regional seas (North Sea, North Atlantic Sea, Mediterranean Sea, Baltic Sea and upon accession of some candidate countries, the Black Sea).

Decline in traditional environmentally-compatible sectors such as coastal fisheries and agriculture has led to unemployment and social instability. The EU is doing and can do much more to further implement ICZM in Europe. Benefits could be emphasised through the use of good management practice such as the "Blue Flag" initiative and the use of cleaner technologies.

On the institutional and policy side better co-ordination of EU policies is required. The environmental policy is nowadays being integrated in a number of other policy areas. Last October 2001, the Commission welcomed the adoption of the Environment Council's political agreement on a strategy that promotes

sustainable development in coastal zones.¹⁸ The recommendation calls on the Member States to develop national strategies that promote sustainable development in coastal zones through integrated management programmes of these areas. The Council text allows the member states five years before having to report results in terms of national strategies, but the Commission believes that this could be done in a shorter period of time. It is in this aspect that the Commission must use its driving force to hasten the development and implementation of the national ICZM strategies.

Concluding remarks

As mentioned in the abstract, this paper is just an introductory overall look at what ICZM is and a look at some of the main issues affecting the coasts, and why the EU is taking steps to introduce the much needed coastal policy before things get worse. The coastal zone issue is a new area which at the end of the day affects each and every one of us, whether we live close to the coast or opt to take a trip to a coastal area for a vacation.

Agriculture, fisheries, transport, urbanisation, tourism, pollution, water quality are but few of the affecting factors of coastal zones. One could also look at the effects of military defences, industrial and energy producing sites, many of which have been built on the coasts for practical reasons. Referring to military defences, a marked decline in activities means that many of the sites have been closed or simply abandoned. If steps are not taken, then problems such as habit loss, pollution and erosion will destroy more coastal landscapes and thus economically valuable resources. A number have already vanished and will be unknown, but in pictures, to future generations.

Properly co-ordinated ICZM strategies both at the EU level and the national levels can ensure the development of modern, lively and challenging economies whilst at the same time they protect the natural environment. I will end with a quote from the recent DGENv publication EU focus on coastal zones¹⁹: *Turning the tide for Europe's coastal zones, "For centuries Europe's coastal zones have suffered from poorly co-ordinated planning and inappropriate policy-making, but with a concerted effort to introduce ICZM across Europe, the tide could be about to turn."*

Web Sites consulted :

Coastal Zone Management on the Internet : <http://www.coastalmanagement.com>

EUCC Coastal Guide : <http://www.coastalguide.org>

Friends of the Earth : <http://www.foei.org>

MedCoast : <http://www.metu.edu.tr/home/wwwmcdst>

NOTES

- ¹ COM (1995) 511
- ² COM (2000) 547
- ³ *ibid.*
- ⁴ 13 member states lie on the sea along five different regional seas – Mediterranean Sea, North Sea, Baltic Sea, North Atlantic Ocean and European Arctic.
- ⁵ Resolution (73)29 of the Committee of Ministers of the Council of Europe on the protection of the coast.
- ⁶ Sorensen & McCreary, 1990, Institutional Arrangements for Managing Coastal resources and Environments.
- ⁷ European Comm Services, 1996, Demonstration programme on ICZM, p20.
- ⁸ A financial instrument for three major areas of action – environmental promotion in member states, nature conservation and environmental technical assistance for non-EU member states.
- ⁹ Commissions' Demonstration Programme on ICZM (1996-1999) operated by DGs Environment, Fisheries and Regional Policy.
- ¹⁰ COM/00/547 – Integrated Coastal Zone Management : A Strategy for Europe.
- ¹¹ COM/00/545 – recommendation concerning the implementation of ICZM in Europe.
- ¹² Towards Quality Coastal Tourism : Integrated Quality Management (IQM) of coastal tourist destinations (2000).
- ¹³ EU Focus on Coastal Zones : Turning the tide for Europe's coastal zones (2001).
- ¹⁴ Agriculture, Environment, Rural Development : Facts and Figures – A Challenge for Agriculture (1999), pg 10.
- ¹⁵ Established by the Community in 1983 to manage the development of member states' fleets.
- ¹⁶ Equipment used for the reduction of salt levels in drinking and process water.
- ¹⁷ Directive 2000/60/EC, adopted in October 2000.
- ¹⁸ COM/00/545 - Recommendation concerning the implementation of ICZM in Europe.
- ¹⁹ EU Focus on Coastal Zones : Turning the tide for Europe's coastal zones, EC, 2001. □

Speech by the Laureate, Mr Jacob Söderman, European Ombudsman, on the occasion of the Alexis de Tocqueville Prize 2001¹

Provincial Government House, Maastricht, 21 November 2001

**Commissioner of the Province of Limburg,
Mr Berendt-Jan Van Voorst tot Voorst!**

**Mr Chairman and Members of the Board of
Governors of EIPA!**

Excellencies, Ladies and Gentlemen!

To be here today and have the possibility to speak to you on this occasion is a great honour for me personally and for the Office I represent. I am deeply grateful to the European Institute of Public Administration, to its Scientific Council and to its Board of Governors for awarding me the prestigious Alexis de Tocqueville Prize for 2001. The importance of the Alexis de Tocqueville Prize is in my mind strongly underlined by the fact that previous recipients include Professor Sabino CASSESE and Professor Eduardo GARCIA DE ENTERRIA, two outstanding scholars in public and administrative law, whose work I deeply respect and value.

On this occasion I speak in the name of the European Ombudsman office and of all its staff, since I would like to stress that the performance and results of the office would not have been possible without their hard and dedicated work and professional skills. I do thank them for that. I would also like to mention that in the very beginning of my work I underlined that there could be no good results without a real commitment of the Community institutions and bodies to good administrative values. In my first annual report I even spoke of a partnership with the Community institutions and bodies to protect and advance the rights and interests of European citizens.

Today, I would like to say that the Community institutions and bodies have cooperated constructively with our Office and that they have in many ways demonstrated that commitment. There have been tensions and disputes from time to time, but also continuous progress; sometimes slower, sometimes faster.

At the very beginning of our activities the support provided by the European Parliament and its administration was crucial. The then Speaker of the European Parliament Klaus HÄNSCH and the present Secretary General Julian PRIESTLEY gave us unlimited support. The Commission's attitude was also important and the responsible Commissioner at the beginning was Anita GRADIN, who comes from the very country where the Parliamentary ombudsman institution was born nearly

two hundred years ago. She worked hard to convince the Commission of the need to respond properly to the Ombudsman and to set up procedures for responding to the Ombudsman's inquiries so as to secure fair and comprehensive answers. Under the guidance of the then responsible director in the Secretariat General of the Commission and his team, the Commission led the way in demonstrating how a Community institution should live up to the principle of accountability to European citizens.

After six years' experience, I can testify that we have found true partners in the endless struggle for a better administration to serve European citizens. It has also been recognised by the now responsible Commissioner Loyola DE PALACIO, who also comes from a country where the ombudsman institution is strongly represented, at both national and regional level. She has on many occasions emphasised that she is committed to follow and strengthen the practices set up by her predecessor.

Ladies and Gentlemen!

Recently I was asked in a television programme how I felt when I was elected as the first European Ombudsman in July 1995 and the President of the European Parliament spoke to me and underlined my responsibility as the first Ombudsman to set up the Office and give it direction for the future. On such occasions you should, of course, say something inspiring. The only thing I managed to say was that I felt that I was about to depart on a long journey in sail on a stormy sea, with only the case law of the Community courts on good administration to follow; cases twinkling as stars in the night sky, showing the way for the lonely sailor and his crew.

I did not feel too badly equipped for the journey because I had been a Parliamentary Ombudsman for many years in a country that is small in population but a true superpower in bureaucratic traditions. In Finland, we were acquainted with the Royal Swedish administration for 600 years, under the Russian Czar's rule for more than 100 years and then close to the German - Prussian administrative traditions, as many of our academics in that field studied in Germany during the 1920s and 30s. The fact that Finnish society still functions shows that we have gained something from the enormous bureaucratic treasure that has been imposed on us, and to which we ourselves, I must confess, have also contributed.

The first test for the new European Ombudsman

institution was to establish exactly what is maladministration. There were loud voices in the legal services of some Community institutions suggesting that the Ombudsman could not deal with matters that could, at some future stage, come before a Court. In other words, they wanted to exclude the Ombudsman from inquiring into any question of legality. They argued that this kind of limitation exists for ombudsmen in two of the Member States. To me, it can never be good administration not to follow the law, or a principle binding on a public body. The final proposal that led to the establishment of the European Ombudsman came from the Danish government. The new institution's main features were taken from the Danish Ombudsman, who is active in dealing with questions of law. So, to my mind there is nothing unclear on this point. By now, our notion of maladministration as including legality has been largely accepted.

When the Ombudsman carries out the work it goes without saying that the case law of the Court is the true source for applying the law.

Another debate arose when a Member of the European Parliament, Roy PERRY, proposed a Code of Good Administrative Behaviour. The idea of such a Code is to clearly establish not only what is bad administration, but also what is good administration.

Scholars from the tradition of common law argued that this should not be a written law with detailed provisions but an unfinished list of requirements developing in the cases over the years. They opposed what they said would be an EU over-regulation of this matter.

To me it only seems fair that if you criticise someone for acting badly, you also say what they should do. I find it difficult to understand how one can demand that the staff of the Community institutions and bodies raise the quality of European administration if they cannot easily obtain an account of what is expected from them. In the same way, how can European citizens know what their rights are unless they are written down? As the Commission for many reasons was delayed in drafting a Code of Good Administrative Behaviour, we

undertook to do it and the Parliament adopted it in its session of 6 September this year. The question if it will become a European law is still open, but good forces are working for it.

The Code did not encounter only applause in the debates in Parliament. A provision suggesting that an official should be polite raised many doubts and some impolite comments. For a moment, it seemed that the Committee on Legal Affairs would reject the whole proposal. Then a Scottish Professor of Law took the floor and began by saying quite simply: *"to my mind there are two important issues at stake here. First of all promoting the rule of law and secondly showing respect to European citizens."*

This statement drew the debate back to the very core of the Code and in the end it was supported by a clear majority.

For my part, I do not understand the argument that politeness cannot be an obligation. Judges have no difficulty in defining a proper standard of behaviour for the parties who appear in the courtroom. Why should they not, if ever needed, be able to judge when an official is out of line, abusive and impolite?

I am sorry for preaching to you. But I am so used to trying to promote my Office's services and the notion of good administration that I could not hold back.

When we received the first information about the award of the Alexis de Tocqueville Prize it was like seeing the first glimpses from the lighthouse leading to a safe harbour on a dark night in a troubled sea. EIPA has, to my mind, during its 20 years worked without rest to promote the good administrative values of western culture. I do congratulate you on the occasion of your 20th anniversary for the high professional skill, with which you have spread the good message to many officials in both European and national administrations.

For us today it is a safe and friendly harbour, where we can rest and enjoy a true partnership with you and gather strength and provisions for the next stage of the journey towards a real Citizen's Europe. May that be the Prize that awaits us all tomorrow.



The Laureate, Mr Jacob Söderman, European Ombudsman, addressing the audience.

Alexis de Tocqueville was in many ways before his time. He even grasps the very soul of European citizenship by saying:

“The gradual development of the principle of equality is, therefore, a providential fact. It has all chief characteristics of such a fact: it is universal, it is lasting, it constantly eludes all human interference, and all events as well as all men contribute to its progress”.

I am happy and honoured to accept the Alexis de Tocqueville Prize.

Thank you for your attention.

NOTE

- ¹ More information about this Prize and more speeches can be found on EIPA's web site:
<http://eipa.nl/tocqueville/01/Invitation.htm> □



*Front row, from left to right:
Mr and Mrs Christophersen; Baron van Voorst tot Voorst, Queen's Commissioner for the
Province of Limburg; Mrs and Mr Söderman; Mr Bovens, acting Mayor of Maastricht.*

Eulogy to the Laureate by the Director-General of EIPA¹

Eloge du lauréat par le Directeur général de l'IEAP

Prof. Dr. Gérard Druesne

Director-General, EIPA

**Your Excellencies,
Queen's Commissioner for the Province of Limburg,
Mayor of Maastricht,
Member(s) of the European Parliament,
Ladies and Gentlemen,
and a special word of welcome to our Laureate,
Mr Jacob Söderman and his spouse**

It is a great honour for the European Institute of Public Administration to be able to hold this awarding ceremony of the 2001 Alexis de Tocqueville Prize in the room where the Treaty of Maastricht was signed, and I am therefore very grateful to the Governor of the Province of Limburg, Mr Baron van Voorst tot Voorst, that he has placed the Provincial Government House at our disposal.

Born in Helsinki, Jacob Söderman has received several law degrees from the University of Helsinki, and his career in Finland has been very rich in that he was involved both in public administration and in politics, and in the latter, both in Parliament and in Government.

At the national level, you were Head of the Labour Safety Department in the Ministry for Social Affairs and Health for eleven years, and at regional level Governor of the Province of Uusimaa for seven years. This province, which constituted Finland's most populous area, including Helsinki and its surrounding area, has been part of the province of Southern Finland since the major reform which reduced the number of provinces from twelve to five some years ago. As it happens, EIPA has published a book that covers this reform. It is worth noting that during your period as provincial governor, the provinces fulfilled important tasks such as special supervision of the education, health care and social welfare services provided by municipalities, and they had direct involvement in certain public services under the responsibility of the Central State, notably the police. And it was not by chance that you were at the same time Chairman of the Parliamentary Committee on Police Affairs.

For ten years you were a Member of the Finnish Parliament, on the Constitutional Committee and the Foreign Affairs Committee, and you were for two terms a member of the Finnish Government: Minister of Justice and Minister of Social Affairs, also responsible for Nordic cooperation. Furthermore, in the seventies, you already showed a clear inclination for international activities, as Finnish representative in the governing body of the International Labour Organisation, and

Chairman of the International Chile Commission. Your linguistic capacities are also impressive, since you have a good command of five European languages: Finnish, Swedish (which is your mother tongue), English, French and Spanish.

But it is obviously your role in the position of Ombudsman which deserves to be emphasised here: Parliamentary Ombudsman of Finland from 1989 to 1995, you were appointed by the European Parliament as European Ombudsman in 1995, and reappointed for a second term in 2000.

Je me rappelle parfaitement notre première rencontre, à Strasbourg, lorsque j'étais moi-même Directeur du Centre des études européennes de Strasbourg, installé dans les locaux de l'Ecole Nationale d'Administration. Vous étiez venu présenter le rôle du Médiateur européen à un groupe de hauts fonctionnaires, insistant sur l'insuffisante prise en compte du concept de citoyenneté dans le dispositif institutionnel communautaire, et sur la nécessité de donner aux citoyens européens les moyens de se faire entendre.

Car telle est la mission que vous assigne l'article 195 du Traité : recevoir les plaintes de tout citoyen de l'Union ou de toute personne physique ou morale résidant ou ayant son siège statutaire dans un Etat membre et relatives à des cas de mauvaise administration "Instances of maladministration" dans l'action des institutions ou organes communautaires, à l'exclusion de la Cour de justice et du Tribunal de première instance dans l'exercice de leurs fonctions juridictionnelles.

The margin of initiative you enjoy in defining your own scope of activity and competence is also remarkable.

In 1997, you offered your own definition of maladministration, which was welcomed by both the European Parliament and the Commission: 'Maladministration occurs when a public body fails to act in accordance with a rule or principle which is binding upon it.' And in 2000, taking notice of the fact that none of the treaties establishing the European Communities and the European Union define the term 'Community body', you considered that the European University Institute in Florence could be seen as a Community body for the purposes of your mandate. So as to fully inform the audience, I would like to add that you have decided to close the file after the inquiry since there appeared to have been no maladministration on the part of the European University. But what I see as your most

promising initiative is the Code of good administrative behaviour for officials in their relations with the public, which you proposed in July 1999, before recommending in April 2000 in a special report to the European Parliament the enactment of a European administrative law on the matter, applicable to all the Community institutions and bodies, which could take the form of a regulation.

Très logiquement, le Parlement européen a approuvé en septembre 2000 un rapport sur votre proposition, et le soutien à votre action est venu de la manière la plus solennelle qui soit puisque c'est désormais la Charte des droits fondamentaux, adoptée par le Conseil européen de Nice en décembre 2000, qui consacre dans son article 41 le droit à une bonne administration et dans son article 43 le droit de saisir le Médiateur européen des cas de mauvaise administration.

Quelle évolution, et quel progrès, dans la reconnaissance des droits de l'administré vis-à-vis de l'administration européenne. Examinons plus avant cette disposition : Every person has the right to have his or her affairs handled impartially, fairly and within a reasonable period of time by the institutions and bodies of the Union.

This includes the right of the citizens to be heard, the right to have access to their own file . and the obligation of the administration has the obligation to give reasons for its decisions.

Every person also has the right to have the Community make good any damage caused by its institutions, or by its servants in the performance of their duties. And last but not least, citizens now have the right to use any one of the languages of the treaties in their communications with the EU administration.

Undoubtedly to live up to such a level of good administration, institutions and their servants need a set of rules and principles, even a law, and you have paved

the way with your untiring action, not always well-liked by some prominent EU officials, sometimes irritating decision makers.

And you are now close to your objective. Some weeks ago, on 6 September 2001, the European Parliament adopted a resolution approving your code of good administrative behaviour on the one hand and calling on the European Commission to submit a proposal for a regulation containing the code, on the other. I wish to underline this point: the Commission is now formally invited to propose draft legislation, a horizontal instrument establishing a unique code of good administrative behaviour applicable to all Community institutions, bodies and decentralised agencies. Some political work still has to be done: based on article 308 of the Treaty, the adoption of such a regulation would involve the unanimous agreement of the Council. But incorporating the code in a regulation would emphasise the binding nature of the rules and principles that it contains both to both citizens and officials.

For all these reasons, Ladies and Gentlemen, the European Institute of Public Administration is very pleased to award the Alexis de Tocqueville Prize 2001 to Jacob Söderman, for his contribution to increasing transparency, improving access to documents for European citizens, promoting knowledge of the EU administration, all of which are factors that favour the improvement of public administration in Europe.

Thank you for your attention.

NOTE

- ¹ More information about this Prize and more speeches can be found on EIPA's web site : <http://eipa.nl/tocqueville/01/Invitation.htm> □



Eloge du lauréat par le Directeur général de l'IEAP, Prof. Dr Gérard Druesne.

Common Assessment Framework: The state of affairs

Dr. Christian Engel

Senior Lecturer, EIPA

The origins

The use of quality management tools and systems, for a long time confined to the private sector, has since the early 1990s started to pervade the public sector in Europe as part of its strive for modernisation, better public management, increased performance and a stronger “customer” focus.¹ In the course of the last decade, various quality management tools and systems started to be used in the public sector across the EU – albeit to a very different extent from one Member State to another – and in many EU countries public sector organisations started to participate in Quality Awards both for the private and the public sector, or Quality or Innovation Awards specifically destined for the public sector were developed.² Although many of these quality management systems and Awards were – and are – fully based on the *Excellence Model* owned, developed and promoted by the European Foundation for Quality Management (EFQM), it was not possible to speak of a common understanding and language of quality within the public sector in the EU. In the German-speaking part of the EU, for instance, quality management in the public sector follows a different approach, based on the bi-annual Quality Award organised by the Speyer Academy.

During the Austrian EU Presidency in the second half of 1998, the possibility of developing a European Quality Award for the public sector was discussed in the framework of the informal meetings of the Directors-General of the Public Administration of the EU Member States. The idea as such was dismissed in view of the fact that the diversity of cultures and visions of “quality” in the public sector in EU countries would not allow for direct competition, but an alternative idea came up and was finally accepted: the establishment of a common European quality framework that could be used across the public sector as a tool for organisational self-assessment. The discussions revealed that what was lacking in the realm of quality management was an easy-to-use and free entry tool for self-assessment in the public sector that could help public administrations across the EU understand and employ modern management techniques and could be of particular relevance for those public sector organisations that are interested in trying out the use of a quality management system, are just embarking on their “journey to excellence” or that wish to compare themselves with similar organisations in Europe.

As a consequence of this, it was decided that a Common Assessment Framework (CAF) – as it was later called – should be jointly developed under the aegis of the Innovative Public Services Group (IPSG), an informal working group of national experts set up by the Directors General in order to promote exchanges and cooperation where it concerned innovative ways of modernising government and public service delivery in EU Member States. The basic design of the CAF was then developed in 1998 and 1999 on the basis of joint analysis undertaken by the EFQM, the Speyer Academy (which organises the Speyer Quality Award for the public sector in the German-speaking European countries) and EIPA.

First pilot tests were conducted in a number of public sector organisations and the “final” version of the CAF was presented during the First Quality Conference for Public Administration in the EU in Lisbon in May 2000.

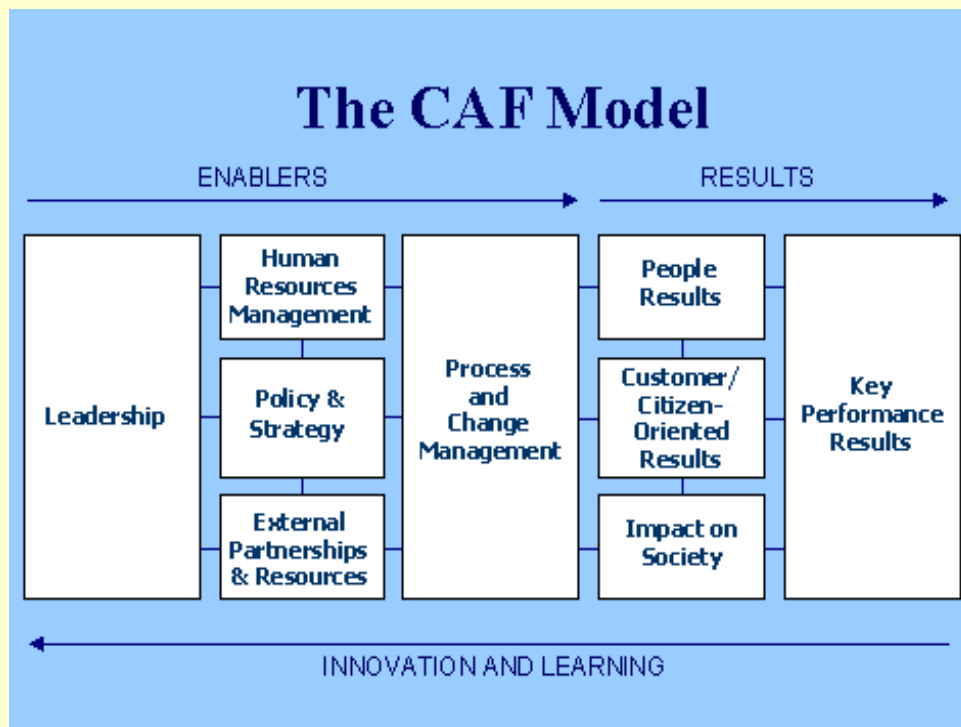
Purpose, structure and use of the CAF

The main purpose of the CAF is to provide a fairly simple, free and easy-to-use framework which is suitable for self-assessment of public sector organisations across Europe and which would also allow for the sharing of good practices and benchmarking activities. The first pilot tests conducted early in 2000 indeed concluded that this goal had been achieved to a satisfactory extent (although it was clear that a wider use of the CAF was necessary in order to elaborate and refine the instrument).

The organisations that had piloted the use of the CAF basically agreed that they found it fairly easy to handle and well suited for the needs of the public sector and that it could well serve as an introductory tool for quality management.³ And there can be no doubt that it is an instrument that can be used free of charge, as it is in the common ownership of EU Member States and no charge is required for using it.

The structure and the logic of the CAF (see table on next page) have been taken over from the EFQM Excellence Model, well established and accepted in the private sector across Europe and in use in the public sector in several European countries.⁴ The use of the Excellence Model as a starting point also has the advantage that it does not necessarily demand the establishment of a set of completely new management practices, but builds a logical structure around organisational activities and management practices that should normally be in place in any given organisation.

The logic according to which “Excellent results



with respect to Performance, Customers, People and Society are achieved through Leadership driving Policy and Strategy, People, Partnerships and Resources, and Processes” of an organisation was deemed also to apply to the public sector – and had already proven its worth in the public sector – and therefore remained in place. The CAF also keeps the distinction between five “Enablers” criteria (covering what an organisation *does* in order to achieve excellent results) and four “Results” criteria (covering what an organisation actually *achieves* in terms of results).

However, certain adaptations to the Excellence Model have been introduced in order to make the model more suitable for the public sector. To name but some of the most important of these adaptations, the CAF puts a much stronger emphasis on the notion of managing change and establishing a suitable reform process in public sector organisations (in the “Process” criterion), it tries to work out the “customer/citizen”-dichotomy found specifically in the public sector, it puts a stronger emphasis on issues such as fairness and equal opportunities, it more clearly works out the importance of an organisation’s contribution to the society (“Impact on Society” criterion)⁵, and it more clearly distinguishes – under the criterion “Key Performance Results” – between financial and non-financial outcomes in order to emphasise that in the public sector in particular other than purely financial outcomes deserve (at least) as much attention. Further, the CAF tries to explain the key implications of each of the criteria for the public sector in order to help organisations understand their relevance, and it provides examples of indicators – or evidence – that organisations may look for in order to support their self-assessment.

Meanwhile, more than 100 public sector organisations in several European countries in a broad range

of sectors of activity have used the CAF⁶, and we have been able to develop a better understanding of how it works and of some of the challenges that organisations face when using the CAF. One of the obvious difficulties lies with the fact that the concepts employed by the CAF and the language it often still uses are unfamiliar to the public sector, in particular to organisations that are not yet trained in using quality management tools. Help can be provided through a glossary that will soon be developed, but this may not in all cases solve the core difficulty of understanding the concepts and their meaning, e.g. when it comes to identifying your “Customers” or correctly understanding the concept of “Leadership” and to not limit it to the top management of a public sector organisation. Indeed several of the organisations that have used CAF have reported that in order to be better able to conduct their self-assessment they would have needed to have some kind of preliminary training or advice by external experts.

Although I believe that organisations that have a basic knowledge of modern management practices are able to use the CAF with the help of the guidelines that have been developed and the glossary that will soon be ready, this comes as no surprise given that the CAF is basically derived from a model originally developed for the private sector. The conclusion that needs to be drawn is, therefore, that the CAF needs some improvement – clearly in the sense of simplification and clarification of the concepts and the terminology used – in view of its function as an introductory self-assessment tool, the use of which should normally not require too many resources (like for instance the hiring of external experts or consultants).

Other difficulties that have been reported by organisations are linked to issues of a more methodological nature. First, the scoring system of the CAF –

organisations have to assess their own performance over the 9 criteria on a scale from 1 (no actions/no results measured) to 5 (a permanent quality improvement cycle is in place/results are consistently achieved at the highest level of performance) – seems to need some refinement and clarification. Some organisations reported having had difficulties in linking their actions or their performance to the descriptions of the different scoring levels provided for in the CAF. They also said it had been difficult to find the indicators or evidences that are needed in view of assessing their performance. Thus there also seems to be a certain need to work on the examples of indicators that the CAF proposes. One option is to work out a standard set of indicators that would facilitate the search for evidence and may also be useful when it comes to sharing of experiences between public sector organisations. Finally, there are some indications that the guidelines for the use of the CAF that were developed under the French Presidency in the second half of 2000 to give practical advice on how to conduct a self-assessment would also require some improvement, as in parts they seem to be too rigid and too detailed (e.g. in terms of the “usual” size of a self-assessment team or the distinction between an “organiser” – responsible for facilitating the work of a self-assessment team – and the self-assessment team itself).

Progress in the use and spreading of the CAF

Despite some shortcomings, the use of the CAF has made considerable progress since it was first publicly presented in Lisbon in May 2000. There are several encouraging developments that give us reason to believe that the CAF is starting to serve the purpose it was designed for.

The first bit of encouragement comes from the fact that the majority of EU Member States have started to actively promote the use of the CAF across or in parts of the public sector. Though not all countries are joining this common effort, this can easily be explained by the fact that several countries are promoting and encouraging the use of the Excellence Model in the public sector and thus are not as strongly interested in the CAF as others.

This, however, should not be seen as a major dilemma, as the CAF itself was mainly derived from this model and as cooperation with the EFQM remains one of its pillars. This is underlined by the fact not only that there is regular exchange of information between the EFQM and EIPA, but more by the fact that the EFQM promotes the use of CAF as one of the possible approaches in view of embarking on the “journey to excellence” and accepts the use of the CAF as a tool for self-assessment for the “*Committed to Excellence*” stage of “*Levels of Excellence*”.⁷ In practice, the CAF seems to be of particular relevance for local authorities as a starting tool.

Secondly, it is encouraging to see that the use of the CAF has been integrated into several Quality or Innovation Awards at the national level or – exceptionally – is a pre-condition for participating in a national quality conference. Belgium's 1st Quality Conference in October 2001 was based on the use of the CAF⁸, Italy and

Portugal have integrated the CAF into their specific public sector innovation Awards (*Cento Progetti; Atribuição do Prémio de Qualidade dos Serviços Públicos*), and organisations wanting to participate in the next Speyer Quality Award (*Speyerer Qualitätswettbewerb*) in December 2002 are also encouraged to use the CAF for this purpose.⁹ Other Member States may follow along these lines.

Denmark will be hosting the Second Quality Conference for the Public Administration in the EU¹⁰ from 2 to 4 October 2002 in Copenhagen. The focus of the Conference will be on the presentation of best practices in the fields of “*Innovation*”, “*Change*” and “*Partnerships*”, following the high importance that the CAF attached both to planning and managing change and innovation in the public sector and to establishing partnerships. Member States are completely free in the procedures they use to select their best practice organisations to be presented in Copenhagen. The fact however that the three fields have explicitly been taken over from the CAF and that it is referred to as one of the tools for selecting the case study organisations again gives an additional European credibility to the CAF.

Interest in the CAF is also increasing in the candidate countries in Central, Eastern and Southern Europe as they prepare for accession to the EU and seek to modernise and strengthen the capacity of their public administrations. Although not an instrument that is suitable for actually *measuring* the quality of an administrative organisation (there are serious doubts about whether this can be done at all), the CAF as common European system for self-assessment in the public sector is starting to be seen as a reference or even as an “official” European instrument, endorsed by EU Member States, in the candidate countries.

Finally, the CAF Resource Centre established at EIPA has started to build up a CAF website and thus has made progress in establishing a common information pool and help desk that can be used by public sector organisations across the EU.¹¹ The basic CAF assessment form is now operational on-line in eight languages (Dutch, English, Finnish, French, German, Italian, Portuguese and Spanish) and is available as read-only versions in Norwegian and Swedish. The aim is to have on-line CAF translations in at least 10 languages by the end of the Spanish EU Presidency. Equally, the CAF guidelines have been translated by several Member States and can be found on the website in most of these languages. The CAF website at EIPA also includes a database of organisations that have used the CAF that can serve as a starting point when it comes to the identification of partner organisations for the purpose of sharing experiences or benchmarking activities, as well as other pieces of relevant information (including the composition of the European CAF working group, conferences, links etc.). Although some work is still required in order to offer the full range of services that the CAF is called upon to provide, the website now provides a basic infrastructure on the Common Assessment Framework.

We can thus summarise by stating that progress with regard to the CAF is currently under way on several different fronts.

The future

There is agreement on all sides that the CAF should stay what it is and that its essential character should even be reinforced: an easy-to-use and introductory tool for organisational self-assessment in the public sector. This includes the agreement that there is no aim to develop the CAF into a more sophisticated tool that would be in competition with others, in particular the Excellence Model. Close cooperation with the EFQM, with the Speyer Academy and with other organisations and institutions will remain a characteristic element of the CAF.

Nonetheless, the CAF clearly needs some improvement. The European working group responsible for steering, developing and promoting the CAF agreed under the Belgian EU Presidency to launch a review process that should lead to a revised version of the CAF.

Based on the results of a questionnaire sent to the organisations that have used the CAF and on professional advice, the review should lead to a “new” CAF that would be even easier to use and would focus on specific needs of the public sector to an even greater extent.¹² The aim is to have this new version ready for presentation at the Copenhagen Conference early in October 2002.

There also is agreement that the basic logic and structure of the CAF will remain unchanged. Within this, however, there still is considerable room for improvement. Personally, the author feels that the review of the CAF could follow a number of possible tracks.

Firstly, it may be desirable to reduce not the number of criteria of the CAF, but the large number of sub-criteria or areas to be addressed (currently 43¹³). I see

little difficulty in considerably cutting back the number of sub-criteria without losing any of the substance of the CAF. Secondly, it would seem possible to simplify and clarify the language used by the CAF, again without losing any substance. Thirdly, the author believes that the CAF should include some – not many – new elements.

One of the current shortcomings in my view is that the CAF still too strongly focuses on intra-organisational and management issues and does not sufficiently take account of the specific working environment of public sector organisations. It falls short on issues that are today commonly discussed under the label “*public governance*”, in particular issues concerning the management of the citizens’ and the civil society’s involvement and the discussion of transparency and ethical behaviour in the public sector; and we may also add the management of relations with the “*political sphere*” (including Parliaments) to this list. There is in my view little difficulty in adding such “public governance” elements to the CAF – not because they are fashionable but because they are highly relevant for the future of the public sector and its “quality”.

To conclude, a “new” or revised version CAF could even better serve the purpose of introducing quality management in the public sector and serve as a simple diagnostic tool that enables public sector organisations to better understand where they are and where they should be going. After all, the main purpose of the CAF is learning and improving – learning to understand your own organisation, the way it is run and how it performs, and getting started with a change and improvement process with ambitious, but realistic goals and clearly understood and agreed priorities. Self-assessment, using the knowledge of the people in an organisation and involving them in the reform process, is a suitable technique for this purpose.

NOTES

¹ See e.g. Quality issues in the Public Service, special issue of Public Policy and Administration, Vol. 14 (1999), No. 3; Antonio Trinidad Requena (ed.), Evaluación y calidad en las organizaciones públicas, Madrid: Instituto Nacional de Administración Pública, 2000; Loes Broeckmate, Katharina Dahrendorf and Klaus Dunker, Qualitätsmanagement in der öffentlichen Verwaltung, jehle: München und Berlin, 2001.

² For an overview see Elke Löffler, The Modernization of the Public Sector in an International Comparative Perspective: Concepts and Methods of Awarding and Assessing Quality in the Public Sector in OECD Countries, Speyer: Forschungsinstitut für Öffentliche Verwaltung, 1996 (Speyerer Forschungsberichte No. 151), and more recently Elke Löffler, Quality Awards as a Public Sector Benchmarking Concept in OECD Member Countries: Some Guidelines for Quality Award Organizers, in: Public Administration and Development 21 (2001), pp. 27-40.

³ See António Silva Mendes, EU Common Assessment

Framework goes into effect. Public Administrations across Europe discover self-assessment, in: European Foundation for Quality Management (ed.), Excellence Network, Vol. I (2000/2001), No. 2, pp. 14-15.

⁴ Indeed, since 1996 the EFQM has launched a public and voluntary sector version of the Excellence Model, and public sector organisations now are member of the EFQM (although the vast majority of members still come from the private sector). Currently, the EFQM is starting to develop specific public sector guidelines on the use of the Model.

⁵ It should however be added that the experiences with the CAF have shown that this criterion needs further elaboration in particular in as far as its relation with the “core business” (“Key Performance Results” criterion) of public sector organisations is concerned.

⁶ EIPA keeps a database of these organisations that provides for general information on the individual organisations, whereas the scores that they have achieved in their self-assessment

remains anonymous.

⁷ European Foundation for Quality Management, Excellence Network Vol. I (2000/2001), No. 2, p. 15. It is also interesting to note, for instance, that *Excelsior*–PricewaterhouseCooper’s main performance improvement service which e.g. also offers a quick on-line assessment using the Excellence Model –has now included the CAF in its list of complementary tools. See the website www.excelsior/pwcglobal.com.

⁸ For details consult the website www.publicquality.be.

⁹ For details consult the website www.dhv-speyer.de/Qualitaetswettbewerb.

¹⁰ For more information consult the website www.2qconference.org.

¹¹ Consult www.eipa-nl/CAF/CAFmenu.htm.

¹² Based on an analysis of the questionnaire, Belgium will suggest a review track to the IPSP at its next meeting in April 2002.

¹³ Whereas the EFQM Excellence Model currently operates with just 32 sub-criteria. □

From Graphite to Diamond: The Importance of Institutional Structure in Establishing Capacity for Effective and Credible Application of EU Rules*

The countries that have applied for membership of the European Union are currently preoccupied with the huge task of the adoption, application and enforcement of the “*acquis communautaire*” – the body of Community law, policies and practice. Although the implementation of the *acquis* is largely seen as a technical issue and has not so far received much public attention, this book explains why it is likely to become more prominent in the next 12 months as the accession negotiations between the EU and the frontrunner candidate countries near their end.

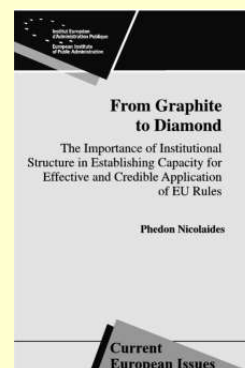
The analysis in the book is developed along a series of questions exploring the issue of effective policy implementation in general, and that of EU rules in particular. The questions and answers gradually lead to a proposal on how candidate countries may establish capacity for rigorous application of the *acquis communautaire*.

It is widely presumed that EU rules will be applied and enforced by the candidates once sufficient and properly qualified staff are hired and adequate amounts of resources are committed to those purposes. By contrast, this book advocates an institutional approach to building capacity for policy implementation.

At the core of integration, in any form, lies the need to secure credible commitments by the partner countries. It will be easier for the candidate countries to demonstrate to the EU a credible commitment to apply the *acquis communautaire* if they assign the task of implementing EU rules to sufficiently empowered and accountable institutions, which will have considerable decision-making independence and will at the same time be subject to specific performance obligations.

The EU has not yet dealt systematically with the issue of incentives, either positive or negative, that would provide the necessary inducement to authorities in the candidate countries to act effectively and efficiently. This is the theme that underlies many of the findings in this book. Perhaps it is natural to give precedence to knowledge acquisition and investment in essential facilities and equipment. Now, however, issues of institutional design and incentives deserve more attention because it is those that will determine the success or failure of the effective adoption of the *acquis* in the longer term.

- * Phedon Nicolaides, EIPA 2002, 45 pages, ISBN 90-6779-167-9: • 15.90
Only available in English

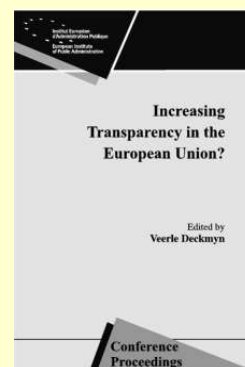


Increasing Transparency in the European Union?*

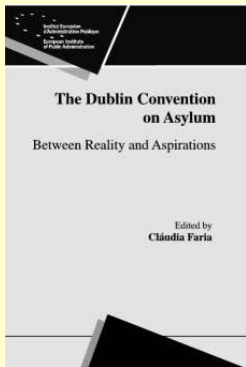
The concept of transparency played a considerable role during negotiations leading towards the ratification of the Maastricht Treaty, and has never been absent from the European political scene since.

The EU institutions and the Member States have often expressed their intention to render the decision-making process more open and more understandable for citizens and to provide systematic access to all available EU information. Following the Treaty of Amsterdam, a regulation on access to EU documents was adopted in 2001, providing new guidelines on the matter. This book is the result of a conference organised shortly afterwards by the European Institute of Public Administration – the second conference organised by EIPA on the theme of transparency in the EU. It takes stock of all developments in recent years concerning openness, transparency and access to documents. The contributions to this book, written by academics, European civil servants and journalists, provide a complete survey of the state of the art and provide insights into likely future developments.

- * Veerle Deckmyn (ed.), EIPA 2002, approx. 250 pages, ISBN 90-6779-168-7: • 31.75
Only available in English



The Dublin Convention on Asylum: Between Reality and Aspirations*



This is the second book produced by the European Institute of Public Administration (EIPA) on the subject of the Dublin Convention on Asylum. Like the previous publication, this one is the result of a training project on the Dublin Convention carried out by EIPA in 2001, which was partially financed by the European Commission in the framework of the Odysseus Programme. This book is a compilation of key texts in English and French written by practitioners (including judges in this latest publication) and academics on the contents of the Dublin Convention, its implementation, relevant case law in the EU Member States, and the future prospects for the Convention, in particular its replacement by an instrument of Community law following the entry into force of the Amsterdam Treaty, the realisation of which was the subject of a recent proposal by the European Commission.

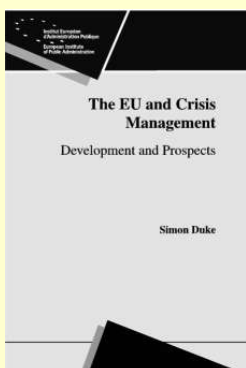
The major difficulties encountered in its application (time-limit provisions, the exchange of information, the opt-out clause, the humanitarian clause, differences in asylum practice in the Member States) are discussed in detail using practical cases developed mainly on the basis of appeals lodged with and considered by national courts or appeal authorities when enforcing the Dublin Convention, with a view to identifying common approaches to specific problems – approaches which could provide the basis for the uniform and consistent application of the Dublin Convention.

Procedures and structures set up in the Member States for the application of the Dublin Convention are shown in comparative tables and graphs.

This publication has been conceived as a valuable working tool for those involved in the application of the Convention, for practitioners from the candidate countries, as well as trainers and all others interested in the topic. It also includes in its annexes the full text of the Dublin Convention and the decisions on its implementation with useful cross references, as well as several other relevant instruments.

- * Cláudia Faria (ed.) EIPA 2001, 384 pages, ISBN 90-6779-165-2: • 11.35
Mixed texts in English and French

The EU and Crisis Management: Development and Prospects*



The EU and Crisis Management: Development and Prospects attempts to accomplish three basic tasks. The first is to give the interested reader an insight into the evolution of EU crisis management mechanisms, both civilian and military. Second, the development of the crisis management and conflict prevention aspects of the EU's external relations have been astonishingly rapid. For this reason there is a need for a *tour d'horizon* which attempts to explain what progress has been made up to the present, especially the institutional adaptations that have been necessary to accommodate the EU's growing responsibilities. Finally, EU crisis management is very much an ongoing project, most notably the Common European Security and Defence Policy (CESDP). The last section assesses how much progress has been made and, more importantly, what remains to be done.

The book is designed to be accessible to practitioners and academic audiences alike. The book relies heavily upon official documentation, especially from the EU Presidencies, and is designed to offer the reader a clear and accessible overview of an often complex and rapidly changing area of EU activity. Finally, this book is written in the belief that over the next few years one of the fastest developing areas of EU activity will be external relations generally and crisis management in particular. It is hoped that this book will serve as an essential primer for anyone interested in the EU's revolution in external relations.

- * Simon Duke EIPA 2002, 230 pages, ISBN 90-6779-163-6: • 27.20
Only available in English

Introductory Seminar / Einführungsseminar

European Public Procurement Rules and Policy

Rechtsvorschriften und Politik der EG zum öffentlichen Auftragswesen

Maastricht, 27-28 March 2002 (to be repeated on 30-31 May 2002) /
Maastricht, 27./28. März 2002 (Wiederholung am 30./31. Mai 2002)

The European Institute of Public Administration is organising an *Introductory Seminar* on "European Public Procurement Rules and Policy" which will take place at the European Institute of Public Administration in Maastricht, the Netherlands, on 27-28 March 2002 and will be repeated on 30-31 May 2002.

Objectives:

The prime aim of the *introductory seminar* is to present and explain the EC directives on public procurement in a simple and accessible way, considering that all public bodies in the EU have to comply with these directives in their purchasing activities above the prescribed thresholds. The emphasis of the presentations will be on the practical implications of the directives for procurement activities, on their enforcement and on recent case law. The seminar will also offer an opportunity to discuss the background to and rationale of the EC procurement regime, as well as its recent and future developments. Specific exercises and cases concerning the actual procurement practice will be examined. Most importantly, the seminar will offer an excellent opportunity for participants to exchange experiences and concerns in dealing with public procurement.

Target Group:

The seminar is intended for public officials from national, subnational and local authorities and other public bodies of the EU Member States and associated countries who wish to familiarise themselves with the European rules, policy and practice.

Contents:

- Why Do We Have a European Public Procurement Policy?
- Principles, Procedures and Practices in Europe
- Explaining the Rules: The Public Procurement Directives and Case Law
- Enforcement of the Procurement Regime: Remedies Directives and Case Law
- *Working groups*: European Procurement Rules
- International Aspects of European Public Procurement
- The Procurement Process: Cases and Exercises
- Current and Future Actions in the Community's Public Procurement Policy – New Rules and Policies

The seminar will be conducted in English with simultaneous interpretation in German. Please note that interpretation will be subject to a minimum number of participants requiring translation.

Das Europäische Institut für öffentliche Verwaltung veranstaltet ein Einführungsseminar „Rechtsvorschriften und Politik der EG zum öffentlichen Auftragswesen“, das am 27./28. März 2002 am Sitz des Instituts in Maastricht, Niederlande, stattfinden wird. Das Seminar wird am 30./31. Mai 2002 wiederholt werden.

Ziele

Das Einführungsseminar hat primär zum Ziel, die EG-Richtlinien zum öffentlichen Auftragswesen – die von allen öffentlichen Stellen in der EU bei Überschreiten eines Grenzbetrags im Rahmen ihrer Einkaufstätigkeit eingehalten werden müssen – in einfacher und leicht zugänglicher Weise zu erläutern. Der Schwerpunkt der Beiträge wird auf den praktischen Folgen der Richtlinien zur Vergabetätigkeit liegen, auf ihrer Durchsetzung und der jüngsten Rechtsprechung. Das Seminar wird darüber hinaus Gelegenheit zur Diskussion der Hintergründe und Leügedanken der Vergaberegulation in der EG sowie neuerer und zukünftiger Entwicklungen geben. Teil des Programms sind spezifische Übungen und Fallbeispiele zur tatsächlichen Vergabepaxis. Nicht zuletzt wird das Seminar es den Teilnehmern ermöglichen, ihre Erfahrungen und Anliegen in Verbindung mit der Vergabe öffentlicher Aufträge auszutauschen.

Zielgruppe

Das Seminar richtet sich an öffentlich Bedienstete der nationalen, subnationalen und lokalen Behörden und anderer öffentlicher Stellen der EU-Mitgliedstaaten und assoziierten Länder, die sich mit Rechtsvorschriften, Politik und Praxis in der EG vertraut machen möchten.

Inhalt

- Warum eine europäische Politik zum öffentlichen Auftragswesen?
- Grundsätze, Verfahren und Praktiken in Europa
- Die Richtlinien und Rechtsprechung zum öffentlichen Auftragswesen – eine Erläuterung der Rechtsvorschriften
- Durchsetzung der Vergaberegulation: Richtlinien und Rechtsprechung zu den Rechtsbehelfen
- Arbeitsgruppen: Europäische Rechtsvorschriften zum öffentlichem Auftragswesen
- Internationale Aspekte des europäischen öffentlichen Auftragswesens
- Das Vergabeverfahren: Fallbeispiele und Übungen
- Gegenwärtige und zukünftige Maßnahmen im Rahmen der Gemeinschaftspolitik zum öffentlichen Auftragswesen – Neue Regeln und Sachpolitiken

Das Seminar wird in der Arbeitssprache Englisch durchgeführt. Deutsche Simultanübersetzung wird unter der Voraussetzung angeboten, dass sich eine ausreichende Anzahl an Teilnehmern findet.

For background information on public procurement in Europe and EIPA activities related to public procurement, please consult: <http://www.eipa-nl.com/public/Topics/Procurement/procure.htm>
Hintergrundinformationen zum öffentlichen Auftragswesen in Europa und zu den Veranstaltungen des EIPA mit einem Bezug zum öffentlichen Auftragswesen können abgerufen werden unter:
<http://www.eipa-nl.com/public/Topics/Procurement/procure.htm>

For more information and registration forms please contact /
Zum Erhalt weiterer Informationen und von Anmeldeformularen wenden Sie sich bitte an:
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Seminar / Séminaire
European Training Programme / Programme européen de formation
**Protecting the Communities' Financial Interests: Information and
Communication as a Service to Citizens and a Means of Preventing Fraud**

***Protéger les intérêts financiers des Communautés:
l'information et la communication en tant que service aux citoyens et
comme moyen de prévention contre la fraude***

Maastricht, 22-23 April 2002 / Maastricht, les 22 et 23 avril 2002

Protecting the Communities' financial interests has never been such a high priority in Europe. New initiatives continue to be developed to strengthen the capacity of the Union to fight fraud effectively – the responsibility for which is, since the Amsterdam Treaty, explicitly shared by the EU institutions with the Member States.

A Strategy was proposed by the Commission in 2000, in response to the request made by the Helsinki European Council, emphasising the need for an overall strategic approach, a new culture of operational cooperation, an inter-institutional approach to prevent and combat corruption and the enhancement of the penal judicial dimension.

This seminar focuses on one aspect of this approach: the role of information and communication. While few would question the operational necessity of sharing intelligence information to counter fraud, little consideration is currently given to the idea of sharing the information that is directed towards the citizen. This needs to be done both as a service to the citizen and also as a means of preventing and limiting fraudulent activity.

What new steps can public authorities take to strengthen a culture of prevention; to involve industry and the professions in a policy of transparency; and to influence public attitudes concerning Community resources?

This seminar will offer an overall evaluation of the current strengths and weaknesses of European anti-fraud strategies and structures with regard to information and communication. Three workshops will then permit participants to share experiences and identify good practices on the basis of informal discussion of cases, introduced by European actors and independent specialists. These workshops will respectively concern actions directed at public administrations; interaction with non-governmental structures in reaching private operators; and new forms of collaboration with the media in order to address the wider public.

This seminar is being held in the framework of EIPA's *European Training Programme* initiative. It will thus bring together officials specialised in the fight against fraud (such as the European Anti-fraud Office – OLAF) together with officials from the public administrations of all EU Member States as well as candidate countries, in accordance with the commitment made by EIPA's Board of Governors in July 2001. Participants will also be welcomed from EU institutions, other public agencies involved in the questions under consideration, as well as independent experts and representatives of non-governmental bodies.

The seminar will be held in English with simultaneous interpretation into French.

La protection des intérêts financiers des Communautés figure plus que jamais au premier rang des priorités en Europe. De nouvelles initiatives sont mises en place pour renforcer la capacité de l'Union à combattre efficacement la fraude – domaine où les responsabilités sont, depuis le traité d'Amsterdam, explicitement partagées par les institutions européennes et les Etats membres.

En réponse à la demande formulée par le Conseil européen d'Helsinki, la Commission a proposé une stratégie en 2000, soulignant la nécessité de développer une approche stratégique globale, de favoriser une nouvelle culture de coopération opérationnelle, de développer une approche interinstitutionnelle pour prévenir et lutter contre la corruption, et de renforcer la dimension judiciaire pénale.

Ce séminaire vise à examiner plus particulièrement un aspect de cette approche: le rôle de l'information et de la communication. Si l'on s'accorde généralement sur la nécessité opérationnelle d'échanger des renseignements ("intelligence") pour combattre la fraude, l'idée de partager l'information orientée vers les citoyens ne suscite que peu d'attention. Or cet aspect des choses est essentiel en tant que service aux citoyens et aussi comme moyen de prévenir et de limiter les activités frauduleuses.

Quelles nouvelles actions les pouvoirs publics peuvent-ils prendre afin de développer une culture de prévention, d'impliquer les entreprises et les professions dans une politique de transparence, et d'influer sur les attitudes du public face aux ressources communautaires? Autant de questions qui seront abordées lors du séminaire.

Cette activité fera une évaluation générale des atouts et faiblesses actuels des stratégies et des structures antifraude européennes sur le plan de l'information et de la communication. Le séminaire s'articule autour de trois ateliers au cours desquels les participants pourront partager leurs expériences et identifier les bonnes pratiques dans le cadre d'une discussion informelle sur une série de cas présentés par des acteurs européens et des experts indépendants. Ces ateliers seront consacrés respectivement aux actions destinées aux administrations publiques; à l'interaction avec les structures non gouvernementales afin de toucher les opérateurs privés; et à de nouvelles formes de coopération avec les médias en vue de s'adresser au grand public.

Cette manifestation s'inscrit dans le cadre du "Programme de formation européenne" lancé par l'IEAP. Elle réunira par conséquent des fonctionnaires spécialisés dans la lutte contre la fraude (tels que des représentants de l'Office européen de lutte anti-fraude – OLAF) aux côtés de fonctionnaires issus des administrations publiques des Etats membres de l'UE et des pays candidats, conformément à l'engagement pris par le Conseil d'administration de l'IEAP en juillet 2001. Ce séminaire s'adresse également à toutes personnes intéressées au sein des institutions européennes, d'autres agences publiques concernées par les thèmes étudiés, ainsi qu'aux experts indépendants et représentants d'organisations non gouvernementales.

Le séminaire se tiendra en langue anglaise, avec traduction simultanée en français.

For more information and registration forms, please contact / Pour toute demande d'information ou inscription, contactez:

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ANNONCEMENTS / ANNONCES

Seminar / Séminaire

EU Private International Law and EU Civil Procedure Law

Droit international privé européen et procédure civile européenne

Luxembourg, 25-26 April 2002 / Luxembourg, les 25 et 26 avril 2002

After having communitarised the competencies of the judicial co-operation in civil matters by the Treaty of Amsterdam (Art 65 TEC), several measures in the field of Private International Law and International Civil Procedure Law have been or are about to be adopted by the EC. The objective of this seminar is to follow up developments in these areas, from the Rome Convention of 1980 through the latest EC Regulation on Insolvency. The presentations and discussions will involve seven main sessions: Divergent Case law on the Rome Convention in the EU Member States, on the way to 'Rome II' – The Preparatory Work, Private International Law in EC Directives and Regulations, the Right of Establishment and International Company Law, the 'Brussels I' Regulation: What's New? The 'Brussels II' Regulation and the EC Insolvency Regulation.

This seminar is aimed at judges, lawyers, national and community civil servants, academics, and more generally at all those who wish to know more about the main rulings issued.

Après avoir communautarisé les compétences de la coopération judiciaire en matière civile à travers le Traité d'Amsterdam (Art. 65 TCE), la CE a adopté ou s'apprête à prendre plusieurs mesures dans le domaine du droit international privé et du droit international de procédure civile. L'objectif de ce séminaire est de suivre les développements intervenus sur ce terrain depuis la Convention de Rome de 1980 jusqu'au dernier règlement communautaire sur l'insolvabilité. Les exposés et discussions comporteront sept grandes sessions : Jurisprudence divergente sur la Convention de Rome dans les Etats membres de l'UE ; en route vers " Rome II " – le travail préparatoire ; le droit international privé dans les directives et les règlements communautaires ; le droit d'établissement et le droit international des sociétés ; le règlement " Bruxelles I " : quoi de neuf ? ; le règlement " Bruxelles II " ; et le règlement communautaire sur l'insolvabilité.

Ce séminaire s'adresse aux magistrats, avocats, fonctionnaires nationaux et communautaires, universitaires ; et plus généralement, à tous ceux qui souhaitent en savoir plus sur les principaux arrêts rendus.

The working languages will be English and French.

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

Should you wish to receive any further information, please do not hesitate to contact /

Pour tout complément d'information, n'hésitez pas à vous adresser à :

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Seminar

A Roadmap for Candidate Countries: How to Steer Eurozone Integration Economically

Maastricht, 16-17 May 2002

The seminar aims to examine the state of *readiness* of Eurozone *pre-ins* currently negotiating their EU accession and to illuminate their possible adjustment needs in the *real* sector in order to pave the way towards their successful integration into the Eurozone.

The candidate countries currently negotiating their EU accession are required both to adopt the objectives of Economic *and* equally of Monetary Union. However, preparing for the Eurozone goes far beyond the mere adoption of the *acquis communautaire*. This is only a necessary prerequisite for EU accession, but it does not provide sufficient evidence of the candidates' *readiness* for EMU: (a) to meet the convergence criteria prior to and the conditions of the Stability and Growth Pact after entering the Eurozone; and (b) to compensate for the loss of monetary independence in the Eurozone via the *real* sector. This requires a conceptual basis to steer the envisaged Eurozone integration economically. Here, the candidate countries could clearly benefit from the *first-mover* experiences of current Eurozone *ins*.

The seminar is intended for all interested political, economic, monetary, academic and public actors from the candidate countries dealing with their countries' Eurozone integration as well as those from current EU members faced with adjustment needs in the *real* sector after entering the Eurozone.

The following contents/topics will be covered:

Part I: Eurozone membership and Eurozone performance

- *Prerequisites*: What the *Maastricht* criteria did not tell us
- *Convergence and conditions*: How has the Eurozone and the Eurosystem performed so far?

Part II: Candidate countries on their way to the Eurozone

- *Economic performance*: Progress already achieved by candidate countries in preparing for EMU
- *Institutional and policy performance*: Are the candidate countries' NCBs and their monetary policies already Eurozone-compatible?

Part III: Eurozone participation and economic adjustment needs on the national scale

- *Experience of Germany*: One interest rate and the need for wage flexibility and labour mobility
- *Experience of the Netherlands*: The role of adequate tax and social systems in an integrated monetary area
- *Review*: Are the candidate countries already well-prepared to compensate for the loss of monetary independence in the Eurozone via the *real* sector?

The working language of the seminar will be English.

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

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Seminar

The Presidency Challenge The Presidency of the Council of the European Union: Practical and Managerial Aspects

Maastricht, 23-24 May 2002

The European Institute of Public Administration (EIPA) in Maastricht (NL) is pleased to inform you that it is organising a seminar entitled “**The Presidency Challenge**”. This seminar will take place in Maastricht on **23-24 May 2002**.

Objective:

The Presidency of the Council of the European Union presents Member States with a number of important challenges. During a period of six months the country holding the Presidency is responsible for the management of the day-to-day business of the EU, provides leadership, negotiates compromises, and acts as the EU’s spokesman. Its roles entail a high degree of visibility and many officials and politicians depend on how the chair organises and handles the meetings. Ensuring effectiveness and efficiency is therefore the key to a successful Presidency.

This seminar addresses the preparation phases and the practical challenges chairmen are confronted with. It provides an analysis of the roles of chairmen and national delegates and addresses the practical details involved in managing Council working parties. It moreover discusses the relationships between the Presidency and the EU institutions and provides a forum for informed debates with representatives of the institutions and national officials with experience in chairing working party meetings. The seminar is deliberately interactive and consists of a mixture of simulations, workshops, case studies and lectures.

Target Group:

The seminar is intended for future working party chairmen, officials responsible for the organisation of the Presidency in their ministries and national delegates, particularly in Denmark, Italy, Greece, Ireland and the Netherlands. The seminar aims to contribute to an exchange of experience and foster connections between consecutive Presidencies. To ensure an interactive working environment we have limited the number of participants to 25.

The working language of the seminar will be English.

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An Enlarging Area of Freedom, Security and Justice: Challenges and Options for the EU and the Candidate Countries

*Un espace de liberté, de sécurité et de justice appelé à s'élargir :
les défis et les options pour l'UE et les pays candidats à l'adhésion*

Ein sich erweiternder Raum der Freiheit, der Sicherheit und des Rechts Herausforderungen und Optionen für die EU und die beitragswilligen Länder

Maastricht, 23-24 May 2002 / les 23 et 24 mai 2002 / 23./24. Mai 2002

The European Institute of Public Administration (EIPA) is organising its annual colloquium on justice and home affairs and Schengen. The colloquium is a forum which gathers together an average of 80 people working in these fields per year and which enables policy makers, practitioners and academics, etc., to discuss the latest developments in these policy fields and to strengthen their European network.

This year, the subject of the colloquium will be **“An Enlarging Area of Freedom, Security and Justice: Challenges and Options for the EU and the Candidate Countries”**. The colloquium aims to assess the progress achieved in the creation of an area of freedom, security and justice, following the Laeken Council, and to provide an update on the adoption of the integrated Schengen acquis by the candidate countries. In addition, the challenges and options of enlargement will be examined, focusing on migration policy, external borders, visa issues, strengthened cooperation with countries of origin and of transit, implications for the labour market and enhanced police and judicial cooperation.

The working languages of the seminar will be English, French and German.

Simultaneous interpretation will be provided.

L'Institut européen d'administration publique (IEAP) organise chaque année un colloque sur le thème de Schengen, de la justice et des affaires intérieures. Il s'agit d'un forum réunissant en moyenne 80 personnes actives dans ces domaines, que ce soient des décideurs, des praticiens ou des universitaires notamment, afin de débattre des derniers développements en la matière et de renforcer les réseaux européens.

Le thème du colloque de cette année sera “Un espace de liberté, de sécurité et de justice appelé à s'élargir : les défis et les options pour l'UE et les pays candidats à l'adhésion”. Ce colloque a pour but de faire le bilan des progrès réalisés sur la voie de la création d'un espace de liberté, de sécurité et de justice, à la suite du Sommet européen de Laeken, et de fournir un état des lieux de l'adoption de l'acquis Schengen intégré par les pays candidats. On se livrera aussi à cette occasion à un examen des défis et des options de l'élargissement, et on s'intéressera en particulier à la politique migratoire, aux frontières extérieures, aux questions relatives aux visas, à la coopération plus étroite avec les pays d'origine et de transit, aux implications pour le marché du travail et à la coopération policière et judiciaire renforcée.

Les langues de travail du colloque seront l'anglais, le français et l'allemand.

La traduction simultanée sera assurée dans ces trois langues.

Das Europäische Institut für öffentliche Verwaltung (EIPA) wird erneut sein jährliches Kolloquium zu Justiz und Innerem sowie Schengen veranstalten. Das Kolloquium ist ein Forum, an dem jährlich durchschnittlich 80 in diesem Bereich tätige Personen teilnehmen und das es vor allem Entscheidungsträgern, Praktikern und Wissenschaftlern ermöglicht, neueste Entwicklungen in diesen Politikfeldern zu diskutieren und ihr europäisches Netzwerk auszubauen.

In diesem Jahr wird das Kolloquium unter dem Thema, **„Ein sich erweiternder Raum der Freiheit, der Sicherheit und des Rechts: Herausforderungen und Optionen für die EU und die beitragswilligen Länder“** stehen. Das Kolloquium hat eine Bewertung der Fortschritte zum Ziel, die nach dem Europäischen Rat von Laeken in Bezug auf die Schaffung eines Raums der Freiheit, der Sicherheit und des Rechts erzielt werden konnten. Darüber hinaus soll das Kolloquium über den aktuellen Stand der Übernahme des integrierten Schengen-Besitzstands durch die beitragswilligen Länder informieren. Die Herausforderungen und Optionen der Erweiterung sollen untersucht werden. Dabei soll der Schwerpunkt auf den Fragen Migrationspolitik, Außengrenzen, Visa-Angelegenheiten, verstärkte Zusammenarbeit mit den Herkunfts- und Transitländern, Auswirkungen auf den Arbeitsmarkt und verstärkte polizeiliche und justizielle Zusammenarbeit liegen.

Die Arbeitssprachen des Seminars werden Englisch, Französisch und Deutsch sein.

Eine Simultanübersetzung wird zur Verfügung stehen.

For more information and registration forms please contact / Pour toute demande d'information ou inscription, contactez/

Zum Erhalt weiterer Informationen und von Anmeldeformularen wenden Sie sich bitte an:

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European Networks and Information Exchange Systems

Réseaux et systèmes d'échange d'informations en Europe

Maastricht, 27-29 May 2002 / Maastricht, du 27 au 29 mai 2002

This seminar will review the various networks and systems put in place in various areas to exchange information and enable officials to keep in contact with their counterparts in other countries in order to facilitate cross-border cooperation. The systems established by the European Commission as well as those set up by the national administrations themselves will be examined. The seminar will give officials and professionals who deal with this matter on a daily basis the opportunity to meet and discuss the operation of the various systems. A comparison of the different ways of tackling the issue will allow the participants to draw useful analogies for solving problems they encounter in practice in a pragmatic and unbureaucratic manner. There will be ample opportunity to exchange experiences and discuss ideas. These discussions will involve officials who use the respective systems. The seminar will therefore be an excellent occasion to seek clarifications and discuss ideas on improvements, as well as offer an opportunity for 'troubleshooting'.

This seminar is designed to address the needs of a wide spectrum of officials, professionals and other interested persons, although it is primarily aimed at officials who use or have set up such networks and systems. However, the seminar will also be useful to policy makers and advisers on EU issues and academics dealing with European affairs and policies and of course to those for whom cross-border exchanges of data or contact with foreign counterparts are either necessary for their work or make it easier.

Ce séminaire examine les différents réseaux et systèmes mis en place dans différents domaines pour échanger des informations et permettre aux fonctionnaires compétents de garder le contact avec leurs collègues étrangers afin de faciliter la coopération internationale. A l'occasion de ce séminaire, on examinera aussi bien les systèmes établis par la Commission européenne que ceux mis en place par les autorités nationales. Ce sera une excellente occasion pour les personnes qui sont concernées par ce sujet dans leur travail quotidien de se rencontrer, de discuter et de revoir le fonctionnement des différents systèmes. A l'aide d'une comparaison des différentes approches en la matière, les participants pourront dégager des analogies utiles qui les aideront à résoudre d'une manière pragmatique et non bureaucratique les problèmes rencontrés dans la pratique. Cette activité accordera une large place à l'échange d'expériences et de points de vue. Les participants aux discussions comprendront notamment des fonctionnaires chargés de gérer les systèmes respectifs. Ce sera par conséquent une excellente occasion d'obtenir des éclaircissements, d'échanger des idées sur les possibilités d'amélioration et de trouver des solutions aux problèmes qui se posent.

Ce séminaire est par conséquent conçu de manière à répondre aux besoins d'un large éventail de participants, même s'il s'adresse avant tout à ceux qui soit gèrent ce type de réseaux et systèmes, soit sont chargés d'en établir un. Par ailleurs, le séminaire sera également d'un grand intérêt pour les décideurs et les conseillers en affaires européennes, de même que pour les universitaires qui enseignent le droit et les politiques communautaires et, bien entendu, pour ceux dont le travail nécessite l'échange de données à l'échelle européenne ou l'établissement de contacts avec des collègues étrangers travaillant dans le même domaine.

The working languages of this seminar will be English and French (simultaneous interpretation will be provided).

Les langues de travail de ce séminaire seront l'anglais et le français (avec interprétation simultanée).

For more information and registration forms, please contact /

Pour obtenir de plus amples renseignements et le formulaire d'inscription, veuillez vous adresser à :

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Topical Seminar

The European Food Safety Authority

Responding to the High Expectations on Risk assessment and Communication

Maastricht, 28-29 May 2002

Background

In January 2002, the Council of Agricultural Ministers adopted a Regulation setting up the European Food Safety Authority (EFSA).

Even though the question of where the Authority will be located has dominated the public discussion so far, there are other more important questions about the concrete implementation of the corresponding tasks to be answered. The Authority's main tasks are the *assessment* of food risks, intensive *cooperation* with national bodies and *risk communication* both with the responsible authorities involved and the public.

With this in mind, initial steps to divide competences for Food Safety are underway. This new allocation of competences at the European level calls for action on the part of the existing national authorities to ensure that the aim of strong cooperation between all authorities is attained. Some Member States have already reacted by founding new or by restructuring existing bodies in charge of risk assessment and communication.

Besides these institutional aspects, there is a more general question, namely that of how food risks can generally be assessed and evaluated when consumers' attitudes and perceptions can be assumed to be different between countries or consumer groups. This issue includes the optimal formation of competent committees with regard to the representation of various professions among the members and the integration of consumers' own perceptions of risk within the assessment procedure.

Objectives of the seminar

Necessary adjustments to carry out the declared tasks and to stay on track towards a more effective Food Safety Policy should be considered before autumn of this year, when the EFSA is expected to become fully operational.

The seminar will provide an international forum to highlight the reforms undertaken so far by some Member States, presented in the form of Case Studies. The international exchange of experiences with structural reforms in intensive workshops will enable the identification of the achievements or the remaining shortcomings and problems. This supports the responsible representatives in finding an appropriate way to restructure their own authority.

The task of communicating risks to the public, which is often emphasised for its relevance, entails finding a way that is really useable and effective for consumers. Their points of view are presented to take into account their specific communication requirements. Additionally, the presentation of national information systems which have already been implemented will demonstrate different concrete measures taken to respect the position of consumers. International comparison highlights respective strengths or weaknesses and the factors to be considered for a successful communication strategy.

Target Groups:

- Public officials from national, sub-national and local authorities involved in risk assessment and communication
- Consumer and Farm Associations
- Representatives from the processing, distribution and retail sectors
- Marketing and Communication Personnel
- Researchers and experts in the area of food safety

For more information and registration forms please contact:

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Colloquium

Governance by Committee: the Role of Committees in European Policy Making and Policy Implementation

Maastricht, 30-31 May 2002

The European Institute of Public Administration (EIPA) has co-ordinated a two-year research project on "Governance by Committee: the Role of Committees in European Policy Making and Policy Implementation". The project was supported by the Commission's 5th Framework Programme. In addition to EIPA faculty, researchers from the Universities of Bordeaux, Cologne, Rennes, King's College, London and the Institute of Higher Studies, Vienna participated in the project.

The objective of the project was to analyse the role of committees in the Community political process with a view to contribute to a better understanding of decision-making in the European multi-level system of governance. The focus of the empirical enquiry were the standing committees of the EP, working parties in the Council and implementation or "comitology" committees. The theoretical framework guiding empirical research was the concept of deliberative democracy and legitimacy. The colloquium will present the findings, which will be commented by experts from academia and Community institutions.

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Seminar

Tourism on the European Agenda

Maastricht, 6-7 June 2002

The European Institute of Public Administration, Maastricht (NL) is pleased to announce that it is organising a seminar entitled "Tourism on the European Agenda" which will take place on Thursday 6 and Friday 7 June 2002.

Target Group:

An international audience of public officials and other personnel working in the various fields of the tourism sector.

Description:

Tourism is a horizontal issue across a variety of EU policy areas. This introductory seminar will discuss and examine ongoing developments in the tourism sector, which is fast becoming an important industry both in the current Member States and the candidate countries. The seminar will focus on the role tourism plays within different EU policy areas and will also include national case studies.

Objectives:

At the end of the seminar, the participants should have a clearer knowledge of the various new initiatives being recommended by the tourism section of DG Enterprise as well as a thorough overview of innovative ideas from individual countries to put tourism on the European agenda.

The working language of the seminar will be English.

For more information and registration forms, please contact:

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Seminar

Health Care Systems under Pressure **Services with no Borders: a Challenge for** **National Health Care Systems**

Maastricht, 6-7 June 2002

Target Group:

Civil servants and workers in the health care sector from the Member States or the candidate countries who participate directly or indirectly in the health policy process and particularly in the area of developing what is best practice in their field of endeavour.

Description:

On the basis of the EU health policy agenda (policy principles, design, implementation and application), the seminar provides a workable understanding of the policy and Court rulings affecting health care in the Member States. The seminar will focus on three themes: the impact of the elimination of barriers to the provision of health care services, ongoing health care system developments in different Member States and how to prepare the national health care systems for future integration.

Objectives:

At the end of the seminar, the participants should have a clear understanding of EU health policy and how this policy affects health care in the Member States. Participants will have an excellent opportunity to share their experience and knowledge and to establish what is best practice in their field of endeavour, as well as to develop a network of contacts with those involved in health care policies across Europe.

The working language of the seminar will be English.

For further information and registration forms, please contact:

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Seminars / Séminaires

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

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

Maastricht,

6-7 June 2002 / 26-27 September 2002 / 21-22 November 2002 /

les 6 et 7 juin 2002 / les 26 et 27 septembre 2002 / les 21 et 22 novembre 2002

The European Union encompasses cooperation in an ever greater number of policy areas. This cooperation is taking place in an ever greater number of different ways, and involves more and more different actors. To understand EU decision-making processes, one cannot only think of a "Community method" in some fields and "intergovernmentalism" elsewhere, nor limit attention to European law. The Open Method of Coordination and other forms of soft law are increasingly employed in the social sphere. At the same time, the Union is consolidating cooperation in Justice and Home Affairs and rapidly developing new external capabilities through the common European Security and Defence Policy. In this context, it is increasingly difficult as well as important to be aware of how European cooperation works in the different fields.

These two-day seminars are intended for all those interested in obtaining a broader understanding not only of how the European Institutions are evolving but also of how different types of policy are now being managed. They will be particularly useful for junior public officials and representatives of organisations involved in European programmes, who will be helped to develop rapidly in their specialisation while having a good feel for the bigger picture.

The courses start by presenting the functioning of the European institutions and their interaction in the classic policy cycle, which remains an essential starting point for understanding the Union. The sessions on decision-making in the Community legislative process include a simulation of a Council working party, and a case study illustrating the operation of the co-decision procedure. Some of the new methods of cooperation will then be illustrated by discussing recent cases in Employment and Social Affairs. Finally, the evolution and operation of the Second and Third Pillars will be examined, including a case study on the European Union's crisis-management capabilities.

La coopération au sein de l'Union européenne touche des domaines de plus en plus nombreux. Réunissant des acteurs très différents, cette coopération se traduit aujourd'hui sous diverses formes. Pour bien comprendre les processus décisionnels européens, on ne peut se contenter de considérer la " méthode communautaire " dans certains domaines et la " méthode intergouvernementale " dans d'autres, ni limiter son attention au droit européen. On voit émerger la méthode ouverte de coordination et d'autres formes de droit non contraignant sur le terrain social. Dans le même temps, l'Union est en train de consolider la coopération dans les domaines de la justice et des affaires intérieures et de développer rapidement de nouvelles capacités externes à travers la politique européenne commune en matière de sécurité et de défense. Dans ce contexte, il s'avère donc de plus en plus difficile mais nécessaire d'appréhender le fonctionnement de la coopération européenne dans les différentes sphères.

Ces séminaires de deux jours s'adressent à tous ceux qui veulent acquérir une meilleure compréhension des institutions européennes et de leur évolution, et de la façon dont les différentes politiques communautaires sont gérées à l'heure actuelle. Ils seront particulièrement enrichissants pour les jeunes fonctionnaires et représentants d'organisations participant à des programmes européens, qui pourront ainsi bénéficier d'un soutien pour évoluer rapidement dans leur domaine de spécialisation tout en disposant d'une vision plus large.

Les séminaires débuteront par une présentation des institutions européennes et de leur interaction dans le cycle politique classique, point de départ essentiel pour comprendre l'Union. Les sessions consacrées à la prise de décisions dans le processus législatif communautaire comporteront une simulation d'une réunion d'un groupe de travail du Conseil, de même qu'une étude de cas illustrant le fonctionnement de la procédure de codécision. L'on cherchera également à éclairer certaines nouvelles méthodes de coopération en examinant plusieurs affaires récentes dans le domaine de l'emploi et des affaires sociales. Enfin, les séminaires s'intéresseront à l'évolution et au fonctionnement du deuxième et du troisième pilier, notamment à partir d'une étude de cas sur les capacités européennes de gestion des crises.

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

Les séminaires se tiendront en langue anglaise, avec traduction simultanée en français.

For more information and registration forms, please contact /
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Colloquium / Colloque

The Mutual Recognition of Diplomas
A quest for a more effective/efficient operation

La reconnaissance mutuelle des diplômes
Actions concrètes en vue d'un fonctionnement plus efficace

Maastricht,
10-12 June 2002 / du 10 au 12 juin 2002

The colloquium aims to review and improve the understanding of the Community framework of the recognition of diplomas and to address remaining problems by bringing together experts and practitioners. It provides an opportunity for officials and professionals who deal with this subject on a daily basis to meet and discuss the operation of the various national systems. The systems and approaches used by Member States will be reviewed and the upcoming reforms will be discussed. The European Commission is expected to announce reform proposals soon and these will also be examined. Through this comparative review ideas can be developed to improve the system used, also making it possible to eliminate minor problems in a pragmatic and unbureaucratic manner. There will be ample opportunity to exchange experiences and discuss ideas. Discussions will focus mainly on measures taken at European level, but national actions will also be covered. These discussions will involve officials who manage the respective systems. It is thus the perfect occasion to seek clarifications and discuss ideas on improvements, as well as an opportunity for 'troubleshooting'.

This colloquium is designed to address the needs of a wide spectrum of officials, professionals and other interested persons, although it is primarily aimed at officials who are involved in the process of recognition of foreign diplomas and qualifications. However, the colloquium will also be useful to policy makers and advisers on EU issues, academics who teach EU law and policies and, of course, to those responsible for granting diplomas and developing the corresponding curricula.

Ce colloque a pour ambition d'analyser et d'améliorer la compréhension du cadre communautaire en matière de reconnaissance des diplômes, et d'aborder les problèmes qui subsistent en réunissant experts et praticiens autour d'une même table. Il offre aux fonctionnaires et aux professionnels directement concernés la possibilité de se rencontrer et de débattre du fonctionnement des divers systèmes nationaux. Après un examen des systèmes et approches adoptés par les Etats membres, l'on se penchera sur les réformes qui se profilent dans ce domaine. Ainsi, la Commission européenne devrait annoncer de nouvelles propositions de réforme prochainement et celles-ci seront examinées. Par cette approche comparative, l'objectif est de développer de nouvelles idées en vue d'améliorer le système en place et d'éliminer les problèmes mineurs de façon pragmatique et non bureaucratique. Cette activité accordera également une large place à l'échange d'expériences et de points de vue. Les discussions seront principalement centrées sur les actions prises à l'échelle européenne, tout en abordant aussi les mesures nationales. Les participants aux discussions comprendront notamment des fonctionnaires chargés de gérer les systèmes respectifs. Ce sera par conséquent une excellente occasion d'obtenir des clarifications, d'échanger des idées sur les possibilités d'amélioration et de trouver des solutions aux problèmes.

Ce colloque est conçu de manière à répondre aux besoins d'un large éventail de participants. S'il s'adresse avant tout aux fonctionnaires impliqués dans le processus de reconnaissance des diplômes et qualifications étrangers, il est également destiné aux fonctionnaires, professionnels et autres personnes intéressées. Par ailleurs, il sera aussi d'un grand intérêt pour les décideurs et les conseillers en affaires européennes, de même que pour les universitaires qui enseignent le droit et les politiques communautaires et, bien entendu, les responsables de la délivrance des diplômes et de l'élaboration des cursus correspondants

The working language of this seminar will be English and French (simultaneous interpretation will be provided).

Les langues de travail du colloque seront l'anglais et le français (avec traduction simultanée).

For more information and registration forms, please contact /
Renseignements et inscriptions auprès de :
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Advanced Interactive Workshop

Towards Effective and Transparent State Aid Control: Recent Policy Issues

Maastricht, 13-14 June 2002

The European Institute of Public Administration (EIPA) announces a two-day *Advanced Workshop* on EC state aid policy entitled "Towards Effective and Transparent State Aid Control: Recent Policy Issues", which will take place in Maastricht, the Netherlands, on 13-14 June 2002.

Objectives:

The aim of this *Advanced Workshop* is to discuss some of the main recent developments and future challenges in state aid policy in the European Union. In order to devise appropriate aid schemes, not only must Member States ensure an accurate interpretation of the EC legal requirements, but they must also have a proper understanding of the approach adopted by the Commission. In this respect, case study analysis and exchange of experiences with officials from Community institutions and Member States are essential.

The *Advanced Workshop* intends to bring together senior national and Community officials to address issues such as:

- The application of group exemptions
- The on-going investigations in fiscal aid
- Aid to services of general economic interest
- State guarantees
- The application of private investor principle
- Judicial remedies

Emphasis will be placed on the presentation of concrete cases, rigorous analysis and informal exchange of information and experience.

Target Group:

The *Advanced Workshop* should be of particular interest to policy-makers and practitioners involved in the formulation and implementation of state aid schemes, as well as to lawyers and business managers that have to operate within the scope of the EC state aid regime.

The working language for the *Workshop* will be English.

**For Background Information on State Aid policies, rules, practice
and State Aid Related Activities at EIPA, please consult:
<http://www.eipa-nl.com/public/Topics/TopicsMenu.htm>**

or contact:

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EIPA web site: <http://www.eipa.nl>

Seminar / Séminaire

European Negotiations

Négociations européennes

Maastricht,

17-21 June, 7-11 October, 25-29 November 2002 /

du 17 au 21 juin; du 7 au 11 octobre; du 25 au 29 novembre 2002

This is a practical programme which aims to explore and define the strategies and tactics inherent in negotiations at the European Union level. This programme adopts a twofold approach. On the one hand, progressive simulation exercises will enable the participants to experience genuinely recreated negotiations and transform them into a laboratory to reflect on ways and means of optimising the experience of European negotiations. This programme obviously aims to help participants to improve their negotiation abilities and therefore places emphasis on practical skills development. For this particular purpose, individual performance cards will be drawn up and made available by the trainers. On the other hand, sessions in which debriefing of the simulations will take place will present both theoretical and empirical research on the factors which influence negotiations. Such factors include good preparation, particular techniques of negotiation, cultural patterns, communication skills and personal style. Similarly, the EU context is presented highlighting *inter alia* the institutional intricacies, Council rules of procedure, and the roles of the Presidency, the European Commission and the Parliament in negotiations. Finally, the multinational composition of the group should also offer participants an opportunity to discover together the special dynamics of the European negotiations in this intensive and highly participatory programme.

The working languages are English and French. Simultaneous translation will be provided.

Ce séminaire, à caractère pratique, vise à explorer et à définir les stratégies et tactiques inhérentes aux négociations à l'échelle de l'Union européenne. La méthode du programme est double. D'une part, des exercices de simulation progressifs permettent aux participants de recréer plusieurs situations authentiques de négociations et de les transformer en un laboratoire où ils pourront réfléchir sur la façon d'optimiser l'expérience des négociations européennes. Ce séminaire est avant tout conçu pour aider les participants à perfectionner leurs talents de négociateurs, et met donc l'accent sur le développement des aptitudes pratiques. A cette fin, des fiches d'action personnalisées seront préparées et distribuées par les formateurs. D'autre part, des sessions d'évaluation des simulations présentent à la fois des recherches théoriques et empiriques sur les facteurs qui influent sur la négociation: la bonne préparation, les techniques particulières de négociation, les traits culturels, les canaux de la communication et le style personnel. Le contexte de l'Union européenne est lui aussi présenté, et en particulier les rouages institutionnels, les règles de procédure au sein du Conseil ou encore le rôle de la Présidence, de la Commission et du Parlement européen dans les négociations. Enfin, la composition multinationale du groupe devrait offrir aux participants une occasion unique de découvrir ensemble la dynamique particulière des négociations européennes dans ce programme intensif et fortement participatif.

Langues de travail: anglais et français (l'interprétation simultanée étant assurée).

For more information please contact:
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EIPA web site: <http://www.eipa.nl>

Seminar/Séminaire

Who's Afraid of European Information?

A la conquête de l'information européenne

Maastricht, 19-21 June / *du 19 au 21 juin 2002*

The aim of this seminar is to provide those working in the field of European affairs on a daily or occasional basis, with the skills to trace and use European documents, by offering them a complete overview of major European information sources, and methods of gaining access to it.

The seminar is open to all those working in the field of European affairs, Community officials, legal experts and information specialists from the Member States of the EU and the candidate countries.

The seminar will be conducted in English. If there is sufficient interest, interpretation into French will be provided.

Ce séminaire a pour ambition d'aider ceux qui travaillent chaque jour ou occasionnellement dans le domaine des affaires européennes à retrouver et à utiliser les documents européens en leur offrant une vue d'ensemble des principales sources d'information européenne ainsi que des méthodes disponibles pour y accéder.

Le séminaire s'adresse à tous ceux qui sont appelés à traiter des affaires européennes, aux fonctionnaires communautaires, aux juristes et aux spécialistes de l'information dans les Etats membres de l'UE et les pays candidats.

Le séminaire se tiendra en langue anglaise. La traduction simultanée en français sera assurée à condition qu'il y ait un nombre minimum de participants souhaitant la traduction.

For more information and/or registration forms, please contact /
Pour obtenir de plus amples informations ou recevoir un bulletin d'inscription, adressez-vous à:
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or consult our web site / ou consultez notre site Web
<http://www.eipa.nl>

Second Annual Conference

“Brave New e-World” – Where are we now? e-Government Applications in European Public Administrations

Maastricht, 24-25 June 2002

“Here enlargement is already for real” a participant had commented, giving an apt picture of the composition of the first international e-Government conference audience last year. Civil servants and politicians from over 19 European countries – EU Member States, candidate countries and EEA states – representing all administrative levels, i.e. local, regional as well as central authorities, had come to Maastricht. For two days the participants discussed and analysed approaches and strategies which enable national, regional and local authorities to capitalise on the rapidly changing possibilities opened up by information and communication technologies and to deal with the new challenges they present.

It became very clear during the first conference that the use of new technologies in public administration has necessitated a rethink of the concept and role of the public service. The technologies add a new dimension, which calls for a reorientation that goes beyond a mere change of working methods. It is more a question of modernising public service systems through processes that enable access to information, make it possible to offer improved services and ensure greater citizen participation.

The European Institute of Public Administration (EIPA), Maastricht, and its antenna, the European Centre for the Regions (EIPA-ECR) in Barcelona (E), are pleased to announce the joint organisation – for the second time – of their annual conference entitled **“Brave New e-World”** examining the state of affairs in e-government applications in public administrations of the EU Member States and Accession Countries, to be held on 24-25 June 2002 at EIPA’s premises in Maastricht (NL).

Representatives and politicians from all levels of public administration, civil servants, IT experts and consultants etc. will again have the opportunity to analyse and discuss topical issues related to the subject of e-government, introducing recent developments and trends as regards policy and the implications of its application. The conference follows a practical approach, with short presentations, demonstrations of “best practice” examples and by offering participants the opportunity to discuss issues in-depth in parallel workshops during the second day.

For further information and registration click on the conferences and seminars link at <http://www.eipa.nl/> or contact:

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Seminar

Pension Systems Under Pressure **Securing Long-term Sustainability:** **a Challenge for National Pension Systems**

Maastricht, 24-25 June 2002

Target Group:

Civil servants and workers in the pension sector from the Member States or the candidate countries who participate directly or indirectly in the pension policy process and particularly in the area of cross-border pension provision.

Description:

On the basis of the EU pension policy agenda (policy principles, design, implementation and application), the seminar provides a workable understanding of the policy and Court rulings affecting pensions schemes in the Member States. The seminar will focus on three themes: the impact of the elimination of barriers to the cross-border provision of pensions, recent pension system developments in different Member States and how to prepare the national pension schemes for future integration.

Objectives:

At the end of the seminar, the participants should have a clear understanding of EU pension policy and how this policy affects pension systems in the Member States. Participants will have an excellent opportunity to share their experience and knowledge and to establish what is best practice in their field of endeavour, as well as to develop a network of contacts with those involved in pension policies across Europe.

The working language of the seminar will be English.

For further information and registration forms, please contact:

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Seminar

**What Future for What Europe?:
The Debate over a New Constitutional Framework
and the Enlargement of the European Union**

Jointly organised by

The Amsterdam-Maastricht Summer University (AMSU) &
The European Institute of Public Administration (EIPA)

Maastricht, 1- 2 July 2002

The European Union is at an historical crossroads. Fundamental decisions about 'The Future of Europe' are being prepared, which are particularly complex since we must simultaneously agree on what we want the Union to be and prepare for what 'we' are becoming.

An innovative mechanism has been established to prepare the next stage in developing the constitutional arrangements of the Union. A *Convention* has been set up, bringing together representatives of national governments and national parliaments with representatives of the European Commission and the European Parliament, and including the candidate countries as well as the present Member States. This body is to debate a series of key questions about the Union's constitutional framework and political system in advance of the next Intergovernmental Conference

At the same time, the EU must complete negotiations for an unprecedented enlargement. By the end of 2002 these negotiations will have to have dealt with the sensitive issues remaining, including agriculture, structural funds and other matters with important budgetary implications. These will force some tough decisions among the Member States as well as tough discussions with the candidates, since enlargement will have a substantial impact not only on the functioning, but also on the very nature of the Union.

This seminar will offer a forum in which to discuss the problems and perspectives of these two historic processes taking place in 2002 which will shape the future of European integration, and, perhaps most crucially, how these two processes will interact.

The working sessions will consist of presentations by academic specialists and an expert directly involved in the work of the Convention on the Future of Europe, followed by informal, and off-the-record, debates. On each of the two days, two sessions will be devoted to group discussion, with a view to reaching conclusions for the future.

For additional information, complete programme, and registration please contact:

*Mr Ruggero Lala, The Amsterdam-Maastricht Summer University
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EIPA web site: <http://www.eipa.nl>*

Seminar

The Regional Dimension of Research in Europe

Barcelona, 22-23 April 2002

Target Group:

Regional policy makers in the fields of research, higher education, innovation technology, knowledge society, small and medium-sized enterprises of the EU Member States and EU candidate countries, and experts responsible for research projects at the regional and inter-regional level of the EU Member States and EU candidate countries.

Description:

On 3 October 2001, the European Commission issued a Communication on “The Regional Dimension of the European Research Area” (COM(2001)549fin). The concept of the European Research Area implies that efforts to reach the Lisbon goals should be deployed effectively at different administrative and organisational levels – European, national, regional or even local. It is particularly at the regional level that this Seminar will focus its presentations and debates. The goal is to analyse in-depth the “motor” role that regional administrations can play in the overall context of economic growth based on research, technology and innovation. In this sense, experiences of best practice in regional development and inter-regional cooperation in the field of research can illustrate the potential of providing a comprehensive policy at the regional level.

Method:

Combination of presentations, round tables and exchange of experiences aiming at presenting the EU and the regional policies in these fields.

Objectives:

At the end of the seminar the participants should have a clear understanding of the recent developments and future prospects in EU Research Policy and particularly in its Regional dimension as well as have shared experiences among regional governments.

For more information, please contact:

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The Round Table 2002 / Table ronde 2002

Sectoral Policies in European Territories: The Important Role of Regional and Local Actors, Partnerships and Networks

Les politiques sectorielles dans les collectivités territoriales européennes : le rôle important des acteurs, des partenariats et des réseaux régionaux et locaux

Brussels (B), 9 July 2002 / *Bruxelles (B), le 9 juillet 2002*

For the fifth time, the European Centre for the Regions (EIPA-ECR) – the Antenna of the European Institute of Public Administration (EIPA) in Barcelona (E) – in cooperation with the Italian Union of Chambers of Commerce (UNIONCAMERE) and the Conference of Presidents of the Italian Regions and Autonomous Provinces, will bring together political representatives of local and regional authorities, high-profile civil servants – both from sub-national public administrations and from regional and local offices in Brussels –, members of the Committee of the Regions (CoR), etc., so they may update their knowledge and freely discuss issues, policies and new challenges facing the regions in today's Europe.

The **2002 Round Table** will be held on **Tuesday 9 July 2002** at the premises of the Economic and Social Committee (ECOSOC) in Brussels (B). The working languages will be English, French and Italian, and simultaneous interpretation will be provided.

Le Centre européen des régions (IEAP-CER) – l'Antenne de l'Institut européen d'administration publique (IEAP) à Barcelone (E) – réunira pour la cinquième fois, en coopération avec l'Union italienne des Chambres de commerce (UNIONCAMERE) et la Conférence des Présidents des régions et des provinces autonomes italiennes, des représentants et responsables politiques des autorités régionales et locales, aux côtés de fonctionnaires de haut niveau issus à la fois d'administrations publiques de niveau infranational et de leurs bureaux de représentation régionaux et locaux à Bruxelles, ainsi que de membres du Comité des régions (CdR), etc. Cette réunion sera l'occasion d'une mise à jour de leurs connaissances et d'une discussion à bâtons rompus sur des questions, des politiques et les nouveaux défis auxquels sont confrontées les régions dans l'Europe d'aujourd'hui.

La Table ronde 2002 se tiendra le mardi 9 juillet 2002 dans les bâtiments du Comité économique et social (CES) à Bruxelles (B). Les langues de travail seront le français, l'anglais et l'italien, l'interprétation simultanée étant assurée entre ces trois langues.

Further details about the programme and the practical organisation are available on the Institute's web site (www.eipa.nl) or can be obtained from /

De plus amples informations sur le programme ainsi que sur l'organisation pratique peuvent être obtenues en consultant le site Web de l'Institut (www.eipa.nl) ou en vous adressant directement à :

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Training course

Europe on the Internet

Maastricht, 10-11 October 2002

A new practical training course to help those who have a need in their work to find information about the institutions and policies of the European Union and the wider Europe. The course will demonstrate that it is possible to find quickly and efficiently much useful information on the internet both from official and non-official sources. Areas covered will include: legislation; case-law; keeping up-to-date; policies; contact information; sources of finance; bibliographical information; country information; searching techniques.

The course will consist of a number of detailed talks and demonstrations of the most useful websites followed by opportunities for participants to develop hands-on expertise. As an optional part of the course, on the second day participants will have the opportunity to compile a list of key information sources on the web in a subject relevant to their work or interests under the guidance of the conference trainers.

The training course will be conducted in English.

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

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or consult our web site

<http://www.eipa.nl>

Conference

Keep Ahead with European Information

Maastricht, 28-29 November 2002

The European Institute of Public Administration (EIPA) and the European Information Association (EIA) are jointly organising the fifth annual conference “*Keep Ahead with European Information*” to be held at EIPA, Maastricht, on 28 and 29 November 2002.

The conference is aimed at experienced European information professionals. It will look at new and important issues, products and services of interest to those who work daily with European information.

The conference is open to officials working in the EU and other European and international organisations, information professionals working with EU information as well as related organisations, and anyone else interested in the issues to be discussed.

The working language of the conference will be English.

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

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or consult our web site:

<http://www.eipa.nl>

Institutional News

* Board of Governors

At the end of October, EIPA was informed of the unexpected death on 30 October 2001, at the age of 58, of Mr John GALLAGHER, Director-General of the Institute of Public Administration of Ireland and member of EIPA's former Scientific Council since 1987. His warm personality will be remembered by all who knew him.

Belgium

Mr Michel DAMAR, Secretary-General of the Public Service in the Belgian administration, has announced that he is succeeded by Mr George MONARD, Chairman of the Management Committee of the new Federal Public Service Department 'Personnel and Organisation'. Mr MONARD will consequently be appointed as member of EIPA's Board of Governors.

Denmark

Mrs Lisbeth LOLLIKE, Director-General for the State Employer's Authority, has been appointed as member of EIPA's Board of Governors, representing the Ministry of Finance and succeeding Mr Finn HOFFMANN (who passed away in August 2001).

The Netherlands

Mr Martin VAN RIJN, Director-General, Management and Personnel Policy, has been appointed as member of EIPA's Board of Governors, representing the Ministry of the Interior and Kingdom Relations and succeeding Mr Theo LANGEJAN.

EIPA Staff News

* Newcomers

Newcomers at CEFASS in Milan:

(European Training Centre for Social Affairs and Public Health Care – CEFASS)

- Giancarlo CESANA (I), Director, Professor, Expert in Public Health
- Roger HESSEL (D), Lecturer
- Iris BOZA (I), Lecturer
- Elena MAINARDI (I), Researcher.

Newcomers in Maastricht:

- Veronique DIMIER (F), seconded by the French Government, joined EIPA on 1 February 2002 as a Senior Lecturer.
- Jorge GRANDI (I) joined EIPA on 1 March 2002 as a Professor.

Newcomer in Luxembourg:

- Ms Raffaella SCHIENA (I), seconded by the Region of Lombardy, joined EIPA on 1 March 2002 as a Lecturer.

Ouverture du Centre européen de formation dans les affaires sociales et de santé publique (CEFASS)

Opening of the European Training Centre for Social Affairs and Public Health Care (CEFASS)

En juillet 2001, le Conseil d'administration de l'IEAP a approuvé la proposition du gouvernement régional de Lombardie, soutenue par le gouvernement italien, de créer une nouvelle antenne à Milan. Le Centre européen de formation dans les affaires sociales et de santé publique (CEFASS) a ainsi été juridiquement constitué en janvier 2002, et développera des activités dans les deux domaines de spécialisation figurant dans sa dénomination, en liaison avec l'Institut régional lombard de formation pour l'administration publique (IREF).

La cérémonie d'ouverture du CEFASS s'est déroulée le 12 décembre 2001 à Milan.

L'antenne contribue, dans ses domaines d'activités, à la formation des administrations publiques des Etats membres de l'Union européenne et des pays candidats à l'adhésion, ainsi qu'au développement de la recherche appliquée dans ces mêmes domaines.

L'antenne est consacrée aux affaires sociales et à la santé publique et développe notamment des activités relatives à :

- *la libre circulation des travailleurs ;*
- *le droit du travail et les relations professionnelles ;*
- *le dialogue social ;*
- *la protection sociale et la sécurité sociale ;*
- *la santé et la sécurité ;*
- *l'égalité des chances : principe d'égalité des chances entre hommes et femmes par rapport à l'accès à l'emploi, à la formation professionnelle et à la promotion, et aux conditions d'emploi ;*
- *le management des administrations sociales et de santé publique.*

L'IEAP assure la coordination de l'ensemble des activités de l'Antenne.



De gauche à droite : Assessore Alberto Guglielmo, responsable de la formation et du travail pour le région de Lombardie ; Roberto Formigoni ; Gérard Druesne ; Lorenzo Ornaghi, Directeur d'ASERI (Alta Scuola di Economia e Relazioni Internazionali).

In July 2001, the Board of Governors approved the proposal of the regional government of Lombardy, supported by the Italian government, to set up a new antenna in Milan. In this way the European Training Centre for Social Affairs and Public Health Care (CEFASS) was legally established in January 2002 and will develop activities in the two fields of specialisation mentioned in its name, in cooperation with the *Istituto regionale lombardo di formazione per l'amministrazione pubblica* (IREF).

The opening ceremony of the CEFASS took place on 12 December 2001 in Milan.

The Antenna contributes in its fields of activity to the training of public administrations, in particular of the Member States of the European Union and the candidate countries for accession, as well as to the development of applied research in these fields.

The Antenna deals with social affairs and public health care. It develops activities related in particular to:

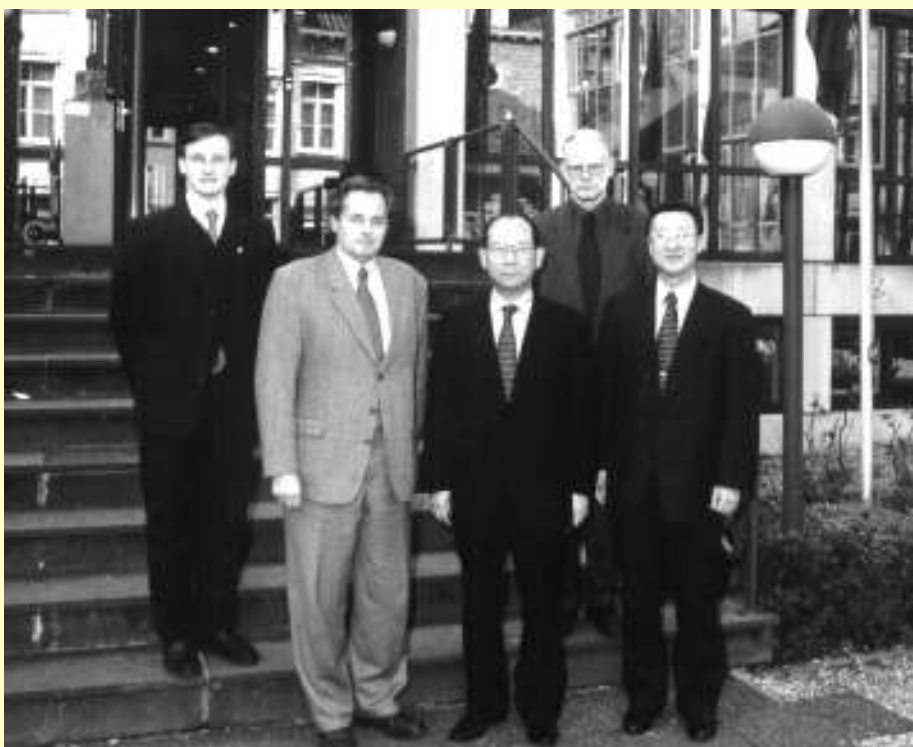
- the free movement of workers;
- labour law and industrial relations;
- the social dialogue;
- social welfare and social security;
- health and safety;
- equal opportunities: the principle of equal opportunities for men and women as regards access to employment, vocational training and promotion, and as regards working conditions;
- the management of social administrations and public health care.

EIPA shall be responsible for coordinating all the activities of the Antenna.



Roberto Formigoni, président de la Région Lombardie, aux côtés de Gérard Druesne, Directeur général de l'IEAP, coupe le ruban, ouvrant ainsi officiellement l'Antenne à Milan.

Visitors to EIPA



from left to right: Dr. T. Rentrop, Project leader, EIPA; Prof. Dr. G. Druesne, Director-General of EIPA; H.E. Mr Y. K. Kim Yong-Kyoo, Ambassador of the Republic of Korea in The Netherlands; R. Polet, Deputy Director-General of EIPA; Mr Soo-Taek Rhee, Minister-Counsellor – 19 November 2001.



from left to right: R. Polet, Deputy Director-General of EIPA; P. Kubernat, Ambassador of the Czech Republic in The Netherlands; Prof. Dr. G. Druesne, Director-General of EIPA – 18 January 2002.



Mr. Göke Frerichs (left), President Economic and Social Committee of the European Union; Prof. Dr. G. Druesne, Director-General of EIPA – 7 November 2001.

Signing of the Masters programme in European Public Affairs (EPA) between the University of Maastricht and the European Institute of Public Administration

Maastricht University, in collaboration with EIPA, has introduced a Master's programme in **European Public Affairs**. The first students, drawn from ten countries, were admitted in September 1999. Some come from EU countries, others from Central and Eastern Europe and the Americas. In the main, the programme is being taught by faculty of Maastricht University.

Four of the six Modules are run by the University and two by EIPA. EIPA's contributions are in the areas where our professional competences complement those of the University; the economics and politics of integration and public management reform. 2002 is the 3rd academic year of this programme.

More information about the content of the programme, qualifications required of students and application forms and procedures can be obtained via EIPA's website <http://www.eipa.nl> which for this purpose is linked to the Maastricht University website. You can find this information by clicking on *Master Programmes*.



*Prof. Dr. P.M.J.E. Tummers, Dean of the "Faculteit der Cultuurwetenschappen" UM;
Prof. Dr. G. Druesne, Director-General of EIPA, at the occasion of the signature of the EPA
programme – 20 november 2001.*

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