I. INTRODUCTION

The society is the one that indicates to what extent the public administration system it's penetrable by the social environment and if, in function of it, it is or not comparable with the global society. The report of incompatibility between the public administration system and the society derives from the lack of adaptation of the administration to the demands of the social environment. The compatibility between the public administration system and the society it is guarantee by the way in which this system manages to adjust its structures and its actions according to the needs of the society, establishing a strict knowledge of the global social system.

The public function within the European Union represents, without a doubt, the segment of the political-administrative system the most influenced by socio-cultural elements with insignificant influences of the European Adhesion. Until the present day no European treaty has stipulated any common competences in organizing the public function, so EU has no competence in settling the public function, reforming, and reorganizing in any way the Public Administration and the administrative structures of the member states. Although the Community has no competences in this field, the European Adhesion influences the national services indirectly due to the fact that it is mandatory for the administrative and juridical systems to comply with transposing and applying the European Union Law.

The increase of connections between national, regional and local administrations, the development of cooperation and coordination between these services and, mostly, the augmentation of EU competences at the legislative and executive level impose an analysis of the Public Administration.

The Public Management Service of the Organization for Economic Co-operation and Development (OECD) excelled in a laborious activity and published a series of works and studies regarding Public Administration in the OECD countries.

At the same time, the compatibilities between different development stages in Public Administration are showing a contrasting result. It is difficult to describe and define exactly what is in Europe the Public Administration.

Regarding the structure and culture of Public Administration, it is important to mention that European Public Services are bounded through propinquities and differences, which materializes in the following concepts: “public administration”, “public function”, various managing systems of the ministries and of the ministry office, public institutions attached to the ministries, different structures of

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2 The Amsterdam Treaty brought nothing new in this matter.
5 We’ll use the term ”public administration” referring at the organization of the administrative services (agencies, ministries etc . . .) of a state at local and regional level.
6 We’ll use the term “public function” to name the people who work in administration, we’ll also include all the aspects concerning the management of the human resources in administration.
the state members of the European Union. All of these are very important aspects of the public services.

II. ADMINISTRATIVE POLITICS WITHIN EU MEMBER STATES

The administrative politics of each member state of the EU is a determinant factor of the unitary practice in what concerns the administration at the level of the EU itself. The great variety of the state structures represents in fact one of the typical aspects of the European public administration. Each member state has a unique administrative structure, but we can also distinguish common structural elements.

In every member state there is at least one common element, but in most cases two or three administrative levels under the central government. There are more administrative levels for each member state, the most common are the municipalities - or the local authorities, and the communes - or village authorities. Concerning the administrative levels situated between the central and the local level, we can distinguish between three forms of leadership: a regional level of leadership, that has legislative competences in certain member states, a provincial level of leadership and a third form of leadership known as intermunicipal.

The member states of the EU can be divided in federal or quasi-federal states, in unitary decentralized states and in unitary states. The federal states of the EU are: Belgium, Germany and Austria. In Belgium and Austria the legislation issued by each region and land is not less important compared to the legislation issued by the federal government. In Germany, for example, there is a hierarchy between the legislation issued by each region (land) and the federal legislation. Spain can be described as a quasi-federal state even though it remains a unitary state according to the Spanish Constitution. The Spanish Constitution accepts and guarantees the right of self-government of the nationalities and regions that compound the kingdom. These autonomous communities have a great independence. In case of conflict between the state laws and the laws of each region, in all cases the law of the state prevail over the law of the region.

It is difficult to situate Italy in the classification of the state structures because Italy is not a federal state, nor a decentralized state. Its peculiarity comes from the existence of five special regions with a definite status as well as from the creation in the year 1970 of fifteen special regions. A special legislation with a constitutional rank empowers these five regions. The legislative power of the “ordinary” regions is more limited and strictly controlled by the Government.

The unitary decentralized states of EU are: France, Scandinavian Countries and Holland. Among them, France has four administrative levels. In the case of France, beside the central Government, we can talk about regions, departments and communes. Holland, Denmark and Sweden have three administrative levels. Finland has only two administrative levels. Only at the beginning of the 1980s, during the first years of government of president Mitterand when a territorial decentralization was set up, the French regions knew the democratic way of governance.

Denmark and Sweden have two systems of districts that compound the intermediary administrative system and the system of the municipalities. In these two countries, the districts have responsibilities in the health public sector. In Finland, municipalities are the second and most important level. Even though more forms of inter-municipality cooperation have established de facto an intermediary level of administration (not governance) between the central and the local administration. Holland is subdivided in provinces and municipalities.

The unitary states of the European Union are: Greece, Luxembourg and Portugal. In these countries, the central administration is by far the most powerful governance element. There are only two governance levels in Ireland, Luxembourg and Portugal (excluding Azore and Madere, two autonomous regions). In Portugal, the referendum organized in 1998 with the purpose of establishing administrative regions with executive competences didn’t get the population accept. In Greece there are

7 The concept “public service” includes an entire public domain, the public enterprises, all the public institutions.
three administrative levels. In 1994 the prefectures were transformed in “autonomous prefectures of governance” based on the principle of democracy.

The United Kingdom represents a special case. It became a unitary state long time ago and all the legislative competences come to Westminster. However, a radically change happened only lately. The process of sharing the responsibilities with Wales and Scotland offered the possibility of a Welsh Assembly and a Scottish Parliament with legislative competences. This process also combined with the establishing of the Northern Irish Assembly and its Executive Committee of Ministers changed the unitary aspect of The United kingdom.

III. THE CONCEPT OF PUBLIC ADMINISTRATION WITHIN THE EU MEMBER STATES

The concept of public administration has its origins inside the state. Aristotle distinguished three forms of power expression. These can be translated, using modern terms, as legislative power, executive power and judicial power. While in the absolutist state, the statal activities as a whole were named "administration" or government, the organisational breaking (separation) of these powers had lead to the narrowing of the concept of administration. Consequently, the administration become part of the executive power, separated by the legislative and judicial power8.

By “public administration” we understand the organisms that are directly subordinate to the political power and that are in the service of the Executive in the political process9. The public administration’s role is not only to apply the politics, it also gives its contribution to other processes of preparing the politics.

In a doctrinaire approach10 the public administration consist of using the managerial, political and judicial processes and theories in order to accomplish the mandates of legislative, executive and judicial leadership, to assure the reglementation and the services for the society on the whole as well as in its segments. The public administration's function is not thus limited at applying the politics, but it also takes part in other processes of preparing it.

Consequently, the public administrations present themselves generally as entities under the authority of a minister. We can distinguish between the member states where these entities are very large and integrated, and other member states where these entities have relatively small dimensions, specialized in the creation of different politics, while the agencies are create to implement these politics.

The most part of the European countries are situated in the first category. In the second category we can find: Denmark, Finland, Sweden and the United Kingdom, although in Denmark and the United Kingdom there are relatively big ministries. The best example for the second category is Sweden that owns starting with 1830 a system of agencies in which 98% of the employees of the central administration are employed here11. In these countries this is a more recent phenomenon based on the perception that the agencies are more efficient when it comes to the implementation of the politics because they have an adequately level of financial and staff autonomy. The ideas that sustain this evolution were widely debated in the works referring to the new political management that had important repercussion on the public perception. This new public management can be described as a whole of ideas and less as a theory12. It is based, on one hand, on a “managerial concept” centred on the

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11 Danielle Bossaert, sa., op. cit, p. 31.
private enterprise and, on the other hand, on the theory of “public election” in the public sector\textsuperscript{13}. The administration of the Swedish Government is divided in small ministerial ministries and central administrative authorities (or executive agencies). Those 270 agencies are independent from the Government in sectors referring to the application of the law and exercising the authority in front of the local authorities. The administrative authorities have an independent position, different from that of the Government or Parliament (Riksdag); in a similar way this is like the role of tribunals in certain member states.

When the administrative authorities apply the law they have the right to do it without the immixture of the political authorities of that state. This repartition in ministries and administrative authorities signify that the Swedish central administration has problems when controlling the agencies (for example how can they know if the administration applies correctly the comunitary legislation). Theoretically, the control of the agencies should be made by the agency directors appointed by the Government as well as through decisions concerning the functioning and financing of the agencies.

The United Kingdom doesn't have a written Constitution as a single document. The most essential feature of the British Constitution is the so-named "The Parliament supremacy". This means that the Parliament can approve or repel any law and that its resolutions are more importantly than those issued by the instances. Therefore the British minister and his office are very important and powerful because they have the control over the majority of the House of Commons and they have the power to promulgate laws\textsuperscript{14}.

Starting with the end of the 1980s, in the United Kingdom were applied reforms having the purpose of transferring to the agencies called “Next Steps” the great possible number of executive positions and to separate their implementation from the politic. The aim of this reform is to consolidate the efficiency of the public administration and to guarantee the advanced management of those services. The agencies have contractual relationships with the ministries because they depend on them and have a high degree of responsibility to the public in what concerns the proper administration of the services they have in suborder. Around 60\% from the British public function is engaged in agencies. In the member states that have integrated ministers, as it is the case of France and Germany (both in the central and lands level), these ministers are generally organized following a classic pyramidal structure. Although, this kind of organization doesn’t mean necessarily that the majority of the central governmental members of the EU member states work in the capital, where are situated the political directions of the ministries. Contrary to this the majority of the employees of the central Government of the member states are distributed all over a country’s territory. This kind of administration is the regional administration of the state. This can be of different types. The first type classifies the administrative unities as an unique objective, referring to the regional offices of a ministry or of a central agency. The second type of regional unities of a state includes the offices of the authorities with extended responsibilities, for example, the prefectures in France and the administrative councils of the comities in Sweden. The third types of regional authorities of a state are those that depend on two or more central ministries, for example the regional offices of the Government of the United Kingdom.

A good criteria to difference the political-administrative structures is the relation and the communication between the political structures and the administrative structures from a ministry. In some member states, their own “cabinet” that makes the contacts with the public administration assists the political responsible. These types of cabinets exist in Belgium, France, Italy, Spain and Portugal. Usually, on political ground, the members of those cabinets are very connected to their minister or his second-in-command. In practice, frequently they are permanent office workers/civil servants, but not

\textsuperscript{13} Hood, Christopher, “Public Management for all seasons”, Public Administration, no. 69, 1991, p. 3-19, www.indiana.sepa.edu

necessarily. The idea that sustains the existence of these cabinets is that a minister trusts totally a small number of people that locally assists him in the preparation of public politic.

In other member states there are direct contacts between the politic and administrative levels. There are more possible options: In the United Kingdom and Ireland\textsuperscript{15}, for example, the permanent secretary, that is the main office worker, it’s a neutral office worker that doesn’t have the right to be member in a political party and he can’t be replaced once the Government changes. Germany, for example chose another version: the existence of a high politic office worker that bears his functions at the highest level.

Moreover, most public administrations are connected to the public institutions, organisms that are relatively independent from the Government when it comes to fulfilling some tasks. The appointment of the administration council makes these functional organisms that exist in each member state to be generally under indirect political control.

Non-Governmental public bodies in the United Kingdom, enti publici non economici in Italy, établissements publics in France and in Greece, organismes d’intérêt publique in Belgium and Zelfstandige bestuursorganen (independent administrative organisms) in Holland are examples for this type of organisms.

\textbf{IV THE CONCEPT OF PUBLIC FUNCTION IN EU}

The concept of public function, on the contrary, it's difficult to be translated exactly in each european country. In a comparative analyse, the risks of translating it with another meaning are numerous than in the case of other institutions conected with the administration. Thus, the concept of \textit{function publique} (public function) used in France, in the United Kingdom it is understood, translated and explained by the concept of \textit{civil servant} (translated as civil servant) and in Germany they use \textit{öffentlicher Dienst}\textsuperscript{16}.

In all the three countries mentioned above, these terms are used simultaneous to name the civil servants and, in every day speech they are synonym with the administration. But, these three translations ar far from matching perfectly from one country to another\textsuperscript{17}.

This chapter's aim is not the analyse all the public administrations, but it refers to those people that work in administration: the civil servants that form together the public function. This chapter tries to bring out all the organizational types that exist for the European public function\textsuperscript{18}. There are three types:

1. Personal categories
2. Administrative levels
3. Sub-sectors

\textit{1. Personal categories}

In some member states this subdivision in different categories of office workers with a juridical status it’s an essential feature of the official organization of the public function. In Germany the main example of public function, with three levels of governing – federal, land and local (\textit{Kreise},\textit{Gemeinden}) – persons with different juridical status work together inside the same organisms. The three personal categories are office workers – as this is their profession – they have public right status (Beamte), the other employees with a private right status (Angestellte) and simple workers (Arbeitex). In Germany, the first category mentioned above represent only a minority. In Denmark and Italy they have the same categories when it comes to public function.


\textsuperscript{18} Danielle Bossaert, \textit{sa.}, \textit{op. cit}, p. 35.
In Denmark there are three categories of personal that is employed in the public function: office workers, employees that have collective conventions and workers with individual contract. The first two categories represent together almost half of the amount of the employees. Individual contracts are applicable only to the high responsible that are better retrieved as compensation to the instability of their job in the public function.

In Italy, the Legislative Decree no 29/03.02.1993 establishes the juridical status of the majority of the office workers on the ground of work legislation. Only a small number of office workers kept their public status in administration. This group is compound generally by high directors from the ministers, prefects, judges, diplomacy and academic professors.

2. Administrative Levels

As showed before, the state structures have an impact on the organization of the public administration in most state members. In some countries, the public administration is specially organized on the governing levels. The most typical example is the public administration in France that can be subdivided in: state public function, territorial public function and health public function, it has lots of “bodies” or employees (to the regional or local level).

Another example is Belgium. Here we have to distinguish between the federal public function, the regional and community public function and the local public function (provinces and municipalities). The three regions (Flandra, Wallonia and Bruxelles) and the three communities (Flamand community, French community and German community) have their own public function. In spite of that, the flamand institutions and region made the fusion. Certain measures are applicable to all the office workers in Belgium. We can talk about a pertinent distinction of the public function in the cases of Sweden and Finland. In Sweden we can distinguish: the central public function, the community public function and the local public function. In Finland we must distinguish between the central and local Government. We also have to include in this category the United Kingdom; here we have: the central and local Government. Civil Service (the public function) and Military (the army forces) are subordinated to the central administration. The local administration includes: the social services and the police. In the United Kingdom the public function is limited to the employees of the ministers and their numerous agencies.

3. Sub-sectors

The main organizational feature of the public administrations that have the sub-division in the functional sectors are in Ireland, Italy and Belgium, Holland and Luxembourg. In Ireland, the public function (containing only the employees from the central ministries) is represented by different sectors as: police, defense, education, noncommercial public enterprises, public health and local Government. In Italy we can distinguish either state sectors or public administration sectors. Enti publici non economici, the local and regional entities, public health, research institutions are part of other sectors. Starting with 1993, in Belgium, Holland and Luxembourg the public function is divided in eight sectors: civil employees of the central administration, judiciary segment, police, education and research, army, provinces, municipalities and water companies (wateringues).

This classification was made with the aim of showing the special features of some public administration systems. For example we can distinguish between a public unified function and a divided one.

Since the beginning, the european construction was confronted with a dilemma: how can be harmonized with the local administration, the fruit of national, history and traditions, the ambitions of making a common economic space? This problem is still actual because there is an apparent contradiction between the collective interest inside a state and its opening towards the European

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19 This doesn’t mean that the public sector is made up only of three forms of the public function.
competition. In this context, do we need a new administration or just a mechanism to secure the cooperation of the national administrations?

The European Union can directly interfere in every day life, both in the citizens life and in public administration life. There are european directives that have an effect on the public authorities, including decentralized ones: environment protection or administration expenses. Thus, the European politics can’t be seen as external politics, they represent a part of each country’s administration. Considering this, Europe is sometimes named the fourth level of administration. On the other hand, the three dominant administrative models in the European space: French, English and German put their mark on the European institutional system.

An attempt of identification of an European model of public administration would materialize in this stage of European evolution in the attempt of identifying the comun elements inside the member states of the EU. These convergence elements could constitute the hard core of a future European model.

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