CIVIL SERVICE IN EASTERN EUROPEAN COUNTRIES
BEFORE AND AFTER ACCESSION TO THE EUROPEAN UNION

DOĞU AVRUPA ÜLKELERİNDE AVRUPA BİRLİĞİNE KATILIM ÖNCESİ VE SONRASINDA KAMU HİZMETİ

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Abstract
European Union membership is a reform process which engages the candidate countries to reach a certain stage in various areas of law. States based on approximation of legislation undertake reforms throughout this process. The approximation of legislation in the field of civil service signifies the beginning of a new phase for the development of the civil service in Eastern Europe countries.

The purpose of this paper is to deal with certain aspects of the orientation countries and the current at the pre-accession stage as well as the state of the civil service systems, with respect to European principles of public administration. This paper deals with civil service policy pre-accession as drafted by the European Union, with its fields of civil service management and three levels of institutionalization.

The areas of civil service management include the programs of the civil service and the administrative reform, the legal basis for the civil service, management on central level of the civil service policy, open competition systems, systems for the admission exam and the selection of candidates, civil service management systems for the older employees in the service, employment protection systems in the civil service, performance appraisal systems, payment systems, systems for training and development, as well as systems for the rights and obligations of employees in the civil service.

The levels of institutionalization include formal legal rules governing the operation of the civil service, the actual practices of civil service management, and the attitudes of civil servants to different principles of civil service management.

Key Words: Reform, Public Administration, Civil Service, Membership, Standards
**INTRODUCTION**

What the governments of the Eastern European countries initially needed was mainly domestic incentives for further investments in their systems of civil service. Before accession, the European Union had set the increasing of the administrative capacities, as a condition for membership in the European Union. The development of the administrative capacities included the necessity to create depoliticized and professional civil service systems in the countries which at that time were the candidate ones.

The policy of civil service reform was based on "principles for a European Administrative Space". (The European Principles were developed by Sigma in the late 1990s in the context of the EU’s request for a policy framework that would guide the horizontal administrative reforms in Eastern European countries).

The policy aimed to meet the European Union’s effort to develop sectoral administrative capacities in the areas of the acquis communautaire.

The comprehensive monitoring reports that were published by the European Commission in 2003 made it clear that the countries of Eastern Europe should continue to invest in administrative capacities, including professionalising the civil service after their EU accession.

However, since their joining the European Union the civil service played only a minor role in EU policy towards the new member states. Civil services in the countries of Eastern Europe benefit from financial resources provided by the European Social Fund (ESF) and the exchange of experiences and ideas in the context of the Network of Public Administration of the European Union (EUPAT), but these policies are not related to certain conditions. EU membership for these countries meant that the civil service reform would not be object to any external stimulus any more Consequently, the reformation of the civil service should be generated internally, starting from the day of accession to the European Union.
In this context, the issue that arises for discussion is what has happened in the civil services of the Eastern European countries since their accession to the European Union. Did they continue those reforms started during the pre-accession phase to intensify the harmonization of civil service systems with European principles of administration? Have these reforms been developed further? Have there been cases of canceling the pre-accession reforms and whether they have reduced the level of compliance with European principles of administration, compared with the situation on the day of the admission? Or have they possibly resorted to taking a whole new course by abandoning the policy framework that was used by the European Union in the final acceptance period, which continues to be used to inform on the civil service policy of the European Union concerning current candidate countries and potential candidate countries especially in the Western Balkans?

1. CIVIL SERVICE IN EASTERN EUROPE BEFORE JOINING THE EUROPEAN UNION

Before accession, the Regular Reports of the European Commission on the progress examined the existence of administrative reform programs, oriented towards increasing the administrative capacity of these countries. Eastern European countries had actually made reforms regarding the civil service, long before their membership into the European Union, so in general there existed in them a law on civil servants, but in the strive for the approximation of legislation to the European Union one as a part of the accession process, there had been different amendments or new more appropriate laws have been adopted. Specifically the situation could be described as follows.

In Hungary the Act on the Legal Status of Civil Servants was adopted in 1992. This act came into force in the same year and has been amended three times, in 1997, 2001 and 2002 as the last step before full membership in the European Union. Hungary is recognized as a special case from the others after making civil service reform very quickly after the change of the regime in 1990.

The Hungarian experience reveals that post-communist transformation is likely to lead to a civil service highly influenced by the politics (Hinrik J., Sahling M.).

Poland passed the Civil Service Act in 1996. This act was not implemented because it was postponed until the adoption of the Civil Service Act revised in 1998. Only in 1999 the act came into force. Since that time there have been several amendments to this law. With this law, Poland imposed an independent office of civil service. As a result the Polish civil service was in the right direction to achieve the standards of the reform within the European Union, although, perhaps, no progress was made in terms of payment and benefits policies (Hinrik J., Sahling M.).

In Estonia the Public Service Act was adopted in 1995, but it came into force in 1996. This act was subject to successive amendments. The civil service in this country is managed in a partial manner, with unsuccessful coordination between the successive governments. Due to the fact that there was no clear concept of governmental structures and their functions planning, objectives and activities of government organizations were not well designed. (T., 2001). Public Service Act which came into force in 1996, decided to lift the system of patronage and the introduction of recruitment and promotion on merit, competitive tests, regular assessment of civil servants, the general classification, salary rates across the civil service. Many officials were removed from service and new staff is recruited due to the reorganization of ministries and frequent changes in the government. The number of young people grew quickly, as the
experience of older civil service was in conflict with the needs of democratic governance (Estonia on 20 August 1991 was declared independent from the Soviet Union).

Lithuania adopted the Law on Public Service in 1999. This law is based on the classical model of France, German and Spanish, which unlike the Anglo-sankson model, treated the civil servant as executive officer of the public will and not as a service provider.

The disadvantage of this law was the difficulty of new candidates to become part of the civil service from "outside" the system. This slowed the modernization of the civil service, therefore the need to improve the law became necessary (Smalskys V., J. Urbanovic, Minkevicius A., 2013). This law has been amended several times. In 2002 to change the law brought a civil service model based on the principles of career and advancement of social guarantees of civil servants.

Latvia adopted the Civil Service Act in 1994 and it was partially implemented. In 2000 the act was replaced by another act of the Civil Service, which entered into force in 2001 and amended in 2002. In 2004, when the country became member of the European Union, the civil service of this state meets the most of the EU standards. Even the appointment of the Secretary of State in the highest peaks of the civil service hierarchy is object to only political influence which seems to have contributed to the professionalisation of other aspects of civil service management.

In Slovakia during the years 1994-1998 the Meciar government, not only were attempts made for passing laws that would affect the behavior of state employees, but the politicization of the civil service grew. Even after the change of the government in 1998 with a more democratic coalition and in favour of European Union there was no immediate reform on civil service. (Staranova K., G. Gajduschek) Slovakia adopted the Law on Civil Service in 2001 and it came into force a year later. Relations regulated by this law until its adoption was regulated by the Labour Code.

The Czech Republic is the country which has not ever implemented a law on civil service. The Czech Republic was created after the division of Czechoslovakia, however, it remains unclear how a country with the best record in the economy and in political reforms, and the prosperity of being among the first candidates for admission to the European Union was not able to produce a high progress in the field of civil service reform (Hinrik J., Sahling M., 2002). However formally so far, it has adopted the Civil Service Act in 2002, which is currently in force from the last amendment in 2004.

Slovenia adopted a civil service law in 2003, although efforts were made after 1990. An act on wages was adopted as a regulation to rationalize the system of bonuses, but its implementation was delayed beyond the date of accession to the European Union.

Reforms in these countries are otherwise known as reforms in Post-Communist Europe, because their accession process begins with the removal of communism. The legacy of communism in these countries had sanctioned a politicized civil service. So one of the biggest problems that the European Union had with these countries, was to achieve a de-politicization of the civil service. In fact it is stated a failed attempt of these countries to de-politicize the civil service after the change of regime. Hungary and Poland were the only countries in the region to do the effort and reach this goal (Hinrik J., Sahling M.). As decisions for the transition from one regime to another were most successfully made in these countries.
2. ANALYSIS OF THE CIVIL SERVICE REFORM IN SOME EASTERN EUROPEAN COUNTRIES AFTER JOINING THE EUROPEAN UNION

Analysis of civil service reform in eastern European countries after joining the European Union is based on the level of institutionalization of European principles of public administration and in the areas of civil service management. Eastern European countries to join the EU had to meet the criteria of Copenhagen and Madrid, meant to help candidate countries to meet that part of the criteria dealing with the public administration. In fact these principles are not found written in a special legal instrument of the European Union, but are derived from the jurisprudence of the European Court of Justice and the formal and informal practices of exchanges between member states' national bureaucracies.

If we refer to the Law of the European Union, the European Commission cannot impose candidate countries adopting institutional decision making for the management of their civil services, as there is a treaty that provides for interventions in civil service matters, therefore are created the principles of -accepted general to achieve the common goal. But if the candidate countries tend to correct applicability of these principles to the stages of accession to the European Union, the momentum of reform appears to decrease after accession.

2.1 Findings On The Applicability Of The Levels Of Institutionalization Of European Principles Of Public Administration

One of the most important levels of institutionalization of European principles of public administration is the harmonization of national legislation with European principles of public administration:

In Eastern Europe, compliance with the European principles of public administration tends to be higher only in the theoretical legal envisioning, while current practices of personnel policy, noted more problems. Specifically, Estonia is a case in which the law and current practice of civil service policy are occasionally seen as two different worlds. This is true especially for the salary system in Estonia. Implementation of performance appraisal system is often criticized, in particular in Poland. Exam system in Slovakia delegates authority to the members of the examination committee and selection committee, which undermines the effectiveness of the examination process. Systems of rights and obligations of civil servants are often strong in theory, but poor in practice (Hinrik J., Sahling M., 2009). While the list of examples could be extended even further, it was obvious that the European principles of administration are very few institutionalized at the level of personnel policy practices.

Current practices of civil service management, and quality of implementation of the laws in the countries of Eastern Europe after the accession, seems to be problematic. The gap between the legal framework and management practices has decreased since accession.

It is alleged that the discrepancy between the legislative goals and actual practice is one of the essential characteristics of the executive government in the countries of Eastern Europe. Before accession, it was common that top civil servants were found who were officially classified as professionals, permanent civil servants, but they were practically very politicized. Although during the period towards accession maximum efforts were made to minimize this phenomenon, currently there is a setback. The change in the scope of civil service laws and greater freedom for political appointments and dismissal of senior officials in Hungary, Poland, Slovakia and Slovenia have reduced the overall compliance of these civil service systems with European principles of administration in practical terms.

Analysis of the implementation of these principles closely related to these areas of civil service management, based on the European Union’s efforts to establish a general policy for public administration reform, which was finalized with the drafting of several principles known
as "The principles of the European Administrative Space" or otherwise European principles of public administration, which platformojnë:

- Legal Security (legitimacy, credibility and accountability).
- Transparency and public information law.
- Legal Liability
- Efficiency and productivity. (Professional integrity and political impartiality)

The legal basis of the continuation of reforms in the civil service:

Referring to the principle that the legal framework resulting in some Eastern European countries has been unstable, and some countries have made many amendments which have damaged the legal predictability of civil service management. The quality of implementation remains controversial, especially in countries such as Estonia, Slovakia, and Slovenia. Changes in the legal framework for the civil service in two recent cases have actually created a vacuum in the legal basis of the civil service management.

Programs of civil service reform:

Concerning programs for civil service reform - they appear consolidated in Lithuania, Latvia and Hungary, while other countries have made far less progress. This shows the government's commitment to civil service reform has been generally weak during the first days after the membership, but recently, although at an early stage initiatives - even in countries such as the Czech Republic and Slovakia, show an interest new public human resource development in the region.

Central structures for managing, coordinating and controlling the civil service policy:

In Eastern European countries, generally in management structures at central level have been identified various capacity and durability. However, some general trends were evident. Offices of the so-called "independent" civil service were not proved practical in these countries, as they that had existed before accession were weakened or dismantled.

Modest change has been towards involvement in control, the offices of prime ministers and the chancelleries in countries such as Latvia, Poland, and even Slovakia.

The system of open competition:

Open competition generally turns out to be the only area of government civil service, which can be seen to be aligned with European principles of administration. The Czech Republic is the only country that fails an intermediate level of compliance.

As regards the entry exam systems, Lithuania is the only country with a functional exam system, in particular with the written exam, which takes place prior to admission to the civil service. While in Slovakia, the effectiveness of the test system has been widely questioned. In other countries, written exams or did not exist at all or are removed (or is planned to be removed).

Management system for senior officials of the civil service:

Politicization runs deep in the ministerial bureaucracy in Hungary, Poland and Slovakia. In all three countries, but also somewhat in Slovenia, politicization has increased since accession. Repoliticization civil service in these countries has been associated with the repeal of top civil protection from dismissal for political reasons. Currently, only three Baltic States demonstrate a basic level of depoliticization and stability in high level positions in the central government administration.
Training system for civil servants:
Only Slovakia and the Czech Republic capture little point about training policy, mainly because of the disintegration of the central policy of training and training institutions in recent years.

The system for evaluation of civil servants:
Quality of performance appraisal systems varies greatly in the region. Countries such as Poland and the Czech Republic have hardly begun to engage in this aspect of governing the civil service. Hungary, in contrast, has recently invested in developing a new evaluation system, modern performance, but his relationship with the wage system has created enormous tensions especially within the administration. Future development of systems for assessing the performance will depend to a large extent on the quality of connections with other areas of government civil service, such as payroll system, but also the overall management systems performance government.

Payment and reward system for employees in general:
Wage systems only in Lithuania, Hungary and Slovenia have reached intermediate level of compliance with European principles of administration, which shows that should be added in future efforts to strengthen the system of wages. However, the trend is positive, as Poland and the Czech Republic were in fact the only countries which have not invested in their wage systems at the time of accession, while Slovakia had done so in 2003, shortly before membership in the European Union. The degree of continuity of reforms after accession should be considered as positive, but not enough.

The system of rights and obligations:
Slovakia is the only country that does not reach at least the intermediate level of compliance with this principle, concerning the system of rights and obligations. As the absence of a code of ethics and the presence of a legal vacuum in terms of disciplinary systems, reveals significant shortcomings in this area of government civil service. Funds received by the instrument facilitating the transition and the European Social Fund, have contributed to the continuation of reforms in the field of civil service governance even after accession.

CONCLUSIONS
Starting out as analyzed above concludes that:
In areas of open competition, training policy and systems of rights and obligations have a higher level of consistency with European principles than seven other areas. However development after accession of these countries has remained largely stable and even slightly positive in the areas of open competition and training policy. In these areas there is a high degree of continuity of the reform after joining the European Union.

It remains to be seen whether the removal of the rules for admission examination systems will become a permanent feature of change, to respect European standards of administration or will form the basis for developing some exceptional for Eastern European countries.

In the central structure for civil service management in the field of software for civil service reform, this modest change towards inclusion of prime offices and chancelleries, may indicate a growing awareness on the strategic importance of the personnel policy, to make government work more effectively.

By analyzing the legal framework of the Baltic states Lithuania, Latvia and Estonia noted that they achieve a relatively high degree of consistency with European principles and performance that at the time of accession has been positive. In other words, the continuation of
reforms in the civil service after joining the European Union has been the highest in these three cases, in the sense that investment in the professionalization of the civil service has continued since joining the European Union.

As to countries such as Slovakia, Poland and the Czech Republic, these three countries have in common their compliance with the relatively small European principles of civil service management, even these countries have shown backsliding on reforms since accession to the European Union since 2004. In all three countries found the dissolution of the institutions that were set up before accession, without new replaced with institutions. This has led to the continuation of the reformation of the civil service after the accession of these countries has been low, professionalism has fallen and for these reasons these three countries found the reforms destructive problems.

As for the countries like Hungary and Slovenia, it was found that civil service systems show strengths in some areas and weaknesses in others. Moreover, the development after accession has moved in different directions and so happened that progress in some areas is associated with relapses of reforms in several other areas. Continuity of civil service reforms after accession is lukewarm. Given this development, the two countries can be labeled as instances of constructive reforms in the opposite direction, while the levels of professionalism in general have not changed.

In these conditions, the greater consistency of these areas of civil service reform with the European principles of public administration requires a commitment of these countries towards the achievement of irreversible after, to civil service efficiency.

Despite achievements, much work remains to be done by these countries, so that the civil service to be efficient and accountable to the public it serves, and to achieve maximum levels of compliance with the European principles of public administration.

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