

# **The durability of EU civil service policy in Central and Eastern Europe after accession**

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*This paper contributes to debates surrounding the post-accession durability of EU pre-accession policies in Central and Eastern Europe (CEECs). It concentrates on what happened to the civil service in CEECs after EU accession. Civil service professionalization was a condition for EU membership but the European Commission has no particular sanctions available if CEECs reverse pre-accession reforms after gaining membership. Comparing eight CEECs that joined the EU in 2004, the paper finds that post-accession civil service developments are characterised by great diversity. The three Baltic States continued civil service reforms, while Slovakia, the Czech Republic, Poland and Slovenia are classified as cases of post-accession reform reversal. The post-accession pathway of Hungary is identified as a case of reform re-orientation. The paper argues that the diversity in post-accession pathways was almost exclusively the result of domestic political constellations, in particular, patterns of government alternation after accession, as there were hardly any factors that could have locked in the level of professionalization and reform that had been reached at the time of accession.*

## **Keywords**

Enlargement, conditionality, civil service, Central and Eastern Europe, durability, post-accession

## 1. Introduction

The debate on the Europeanisation of Central and Eastern Europe has recently shifted its attention to the study of post-accession developments in the new member states (Dimitrova 2010, Epstein/Sedelmeier 2008, Pridham 2008, Sadurski et al 2006, Schimmelfennig/Trauner 2009). Post-accession studies address the transition of Central and Eastern European countries (CEECs) from candidate to member states. The transition raises questions with regard to the behaviour of CEECs and with regard to the influence of the European Union (EU) both before and after accession. In particular, the findings of studies on the pre-accession influence of the EU on CEECs raise concerns with regard to the post-accession behaviour of the CEECs as ‘young’ member states. Research on pre-accession Europeanisation emphasises the impact of EU conditionality on domestic change in the CEECs (Kelley 2004, Schimmelfennig/Sedelmeier 2005, Sedelmeier 2006, Vachudova 2005). EU conditionality is effective, it is argued, if the EU offers a credible membership perspective and if the domestic costs of complying with EU conditions are not prohibitive.

To be sure, arguments in favour of the effectiveness of conditionality have not been without criticism (Gheciu 2005, Goetz 2005, Hughes et al 2004). Yet taken at face value, the implications of conditionality studies are sobering for the post-accession period. They suggest that as the reward of full membership has been handed out, CEECs have no longer an incentive to comply with EU pre-accession conditions. As a consequence, CEECs might fail to meet their obligation to faithfully implement EU policies. They might even reverse reforms after accession, which they passed thanks to EU conditionality before accession. Taking issue with this nightmare scenario, Sedelmeier (2008) asks whether the EU is or will face an ‘Eastern problem’.

This pessimistic outlook on post-accession developments in CEECs is not uncontested. Three scenarios can be broadly distinguished.

(i) Epstein/Sedelmeier (2008) suggest that post-accession compliance is a function of the ‘pre-accession mode of rule transfer’. They distinguish between ‘*acquis* areas’ and areas that were subject to ‘political conditionality’ before accession. In the former, the European Commission can sanction non-compliance after accession, for instance, by initiating infringement procedures and by taking a member states to the European Court of Justice. These powers are usually not available for the political membership conditions such as minority rights protection and administrative capacity because in these areas EU institutions have no Treaty-based competencies over internal affairs of member state. According to Epstein/Sedelmeier (2008), areas that were subject to political conditionality before accession are therefore the most-likely cases of post-accession reform reversals.

(ii) Notwithstanding the distinction between *acquis* and non-*acquis* areas, Pridham (2008) suggests that ‘social learning’ based mechanisms of Europeanisation gain importance after CEECs have joined the EU. Before accession, soft measures of EU influence-seeking such as technical and financial support through the EU’s twinning and PHARE programmes were often crowded out by hard conditionality. Their long-term impact, Pridham (2008) suggests, might become more discernible after accession (see also Schimmelfennig/Trauner 2009). Moreover, regular work and intense interaction with EU institutions as a result of EU membership can affect what politicians and policy-makers in CEECs consider as appropriate behaviour in the EU context (Grabbe 2006). Reform backsliding and persistent non-

compliance with EU laws and principles should therefore be prevented as a result of continuous learning from and interaction with the EU.

(iii) The third scenario suggests that post-accession developments in CEECs will increasingly be dominated by domestic politics (Dimitrova 2010). Even if domestic actors might have an incentive to ‘re-negotiate’ reforms which they passed under the pressure of pre-accession conditionality, domestic conditions do not necessarily produce post-accession reform reversals. Schimmelfenning/Trauner (2009), for instance, suggest that rules adopted before accession might be protected by courts and the requirement to attain legislative supermajorities. Pridham (2008) directs attention at the role of societal actors such as NGOs, which might act as monitors and hence ‘fire-alarms’ that are set off when governments fail to implement EU Directives or when they plan to depart from reforms passed before accession.<sup>1</sup> Much will depend however on domestic political constellations, in particular, the commitment of governing coalitions to the continuous implementation of EU policies. In short, post-accession reform reversals should only be expected if the domestic context lacks mechanisms and actors that support compliance with EU law and defend pre-accession reforms.

The evidence so far is mixed. Sedelmeier (2008) examines the transposition record of the new member states that joined the EU in 2004 during the first three years after accession. He argues that the new member states had an even better transposition record than the old member states. Moreover, they handled complaints and infringement procedures that were initiated by the European Commission faster than the old member states. Sedelmeier (2008) argues that the better-than-expected performance of CEECs is the result of their susceptibility to shaming and superior legislative capacity, both of which were developed during the pre-accession period. By contrast, in their comparison of the implementation of social policy, Falkner/Treib (2008) classify the CEECs as a ‘world of dead letters’. They find that formal rules are indeed transposed by CEECs but the practical implementation is neglected. Knill/Tosun (2009) and Toshkov (2008, 2009) emphasise the variation in transposition performance among CEECs, which they explain with regard to factors such as bureaucratic and executive coordination capacity, the degree of pre-accession alignment with EU policies and the preferences of governing parties. In other words, in *acquis* areas domestic political and administrative conditions in CEECs have become increasingly important in explaining post-accession compliance with EU rules.

Much less is known with regard to the pathways and determinants of post-accession developments in non-*acquis* areas. Pridham (2008: 372), for instance, argues that ‘there is no common pattern whereby conditionality loses momentum and becomes unscrambled’. He compares two countries, Latvia and Slovakia, and examines what happened to the several aspects of the EU’s political membership conditions. He finds that pre-accession reforms were continued in some areas, for instance, anti-corruption policy in Latvia while they came under pressure in other areas such a judicial reform in Slovakia. Sasse (2008) complements this finding. She argues with regard to minority protection rights in Latvia that reform backsliding has been rare but problems of implementation have persisted after accession.

This paper contributes to the debate on post-accession developments in CEECs. It focuses on what happened to the civil service in CEECs after accession. More specifically, it examines

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<sup>1</sup> Obviously, non-state actors might also emerge as forces that challenge pre-accession reforms (Dimitrova 2010).

whether they continued to reform their civil service in accordance with EU standards or whether they introduced changes that implied a shift away from EU pre-accession policy. The paper therefore reveals the post-accession durability of EU civil service policy in new member states. Before accession, the EU made the development of professional, impartial and politically neutral civil service systems a condition for EU membership. It was the central plank of the EU's administrative capacity requirement (Dimitrova 2002). Yet the European Commission has no Treaty-based competences over the design and management of civil services in member states. From the perspective of the three post-accession scenarios outlined above, we can therefore expect that the CEECs roll back the civil service reforms which they passed before accession unless social learning based mechanisms and domestic political and institutional conditions lock in pre-accession reforms.

This paper takes issue with this expectation. It is divided in three parts. The first part discusses the evolution and content of EU conditions in the area of civil service policy in order to derive a benchmark for the assessment of the durability of EU policy after accession. The second part examines civil service developments in all the eight CEECs that joined the EU in 2004 in order to enhance the generalisability of the findings. It shows that the worst-case scenario of region-wide reform backsliding did not become a reality. Rather, civil service developments after accession are characterised by great diversity. Three types of post-accession pathways are distinguished. The three Baltic States stand out in that they continued the professionalisation of the civil service after accession. Post-accession reforms did not necessarily refer to EU civil service policy but they were, by and large, compatible with EU standards. This conclusion applies above all to Lithuania and with qualifications to Latvia and Estonia.

Slovakia, the Czech Republic, Poland and Slovenia are classified as cases of post-accession reform reversal. In the Czech Republic and especially in Slovakia, large parts of the institutional framework that was set up in the pre-accession period were demolished without even attempting to establish anything new in their place. By contrast, in Poland some efforts were made to re-construct the civil service following the initial dismantling of the pre-accession framework, while in Slovenia the purposive de-regulation of the civil service shortly after accession became partially incompatible with EU standards for civil service policy.

The post-accession development in Hungary is most difficult to classify. After accession, Hungary embarked on an ambitious public sector reform programme including the reform of the civil service that was heavily influenced by the new public management. Some of the changes that were introduced in this context were compatible with the EU's pre-accession approach to civil service reform while some changes were not. As a result, Hungary's post-accession pathway is inherently ambiguous and best seen as a case of reform re-orientation after accession.

The conclusion of the paper returns to the three post-accession scenarios outlined above in order to account for the variation in post-accession reform durability in CEECs. It argues that the diversity in post-accession pathways was almost exclusively the result of domestic political constellations. The discussion shows that the EU failed to address the issue of post-accession durability, as it devised virtually no instruments to prevent post-accession reform backsliding in the area of civil service governance. At the same time, there were virtually no domestic mechanisms that could have locked in the level of professionalization and reform that had been reached at the time of accession. Moreover, the long-term effect of EU driven

social learning mechanisms was largely at the mercy of domestic political conditions. As a consequence, the commitment of new member states to pre-accession reforms rested almost exclusively on the good will of government coalitions. In particular, the civil service became vulnerable to ‘coalitional drift’ (Shepsle 1992), in that reform reversals are closely associated with wholesale, inter-bloc alternations of parties in government after accession.

The analysis in this paper is based on empirical research that was conducted between April 2007 and November 2008 in the context of research coordinated and conducted by the authors on behalf of SIGMA (Support for the Improvement of Governance and Management in Accession Countries).<sup>2</sup> It analyses documentary material, in particular, civil service laws and decrees governing specific aspects of civil service management in order to identify institutional changes that were introduced during the first four years after accession. The paper also uses the Regular Reports that the European Commission prepared during the accession process as well as the Public Service and Administrative Framework Assessments that were conducted by SIGMA before accession on behalf of the Commission.

In addition, the paper relies on more than 100 personal interviews that were conducted by the authors of this paper. The interviews in the CEECs aimed to uncover the practice of civil service management in the new member states and the changes that occurred in the first four years after EU accession in comparison to the pre-accession period. Standard procedures for elite interviewing and the selection of interviewees in qualitative research were followed (e.g. Leech 2002, Richards 1996). The interviewees were selected from a wide variety of backgrounds in order to get as many relevant perspectives on the matter as possible. They included administrative policy-makers from central offices such as civil service departments, senior civil servants and state secretaries who implement civil service rules on a daily basis, MPs and former members of government, and external observers such as academics. Moreover, interviews were conducted in Brussels with officials from the European Commission, primarily current and former officials of DG Enlargement, and with representatives from SIGMA in Paris in order to gain an external perspective on pre- and post-accession developments in the CEECs and to better understand the difficulties in developing an EU civil service policy for accession countries in the first place. Interviewees are coded in the text. A list is provided at the end of this paper.

## **2. EU standards of civil service policy for accession countries**

There has been some debate on what EU civil service policy is, where it is defined and how it changed over time (Dimitrova 2002, Bugaric 2006, Verheijen 2000). Starting with the second of the three questions, there is no single document that defines the EU civil service policy in accession countries. The EU’s policy is scattered across a number of documents. The Regular Reports that were annually published by the European Commission’s DG Enlargement are the most authoritative source for the identification of the EU’s civil service policy. The civil service was examined in the ‘political chapter’ of the Reports as an aspect of public administration reform. DG Enlargement also had an internal handbook that guided the preparation of the annual Reports. This handbook was not public but for internal use only. It included benchmarks for the assessment of a country’s public administration, including the civil service. The civil service was the first and the most prominent item listed in this section (Interviews EU1, EU2).

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<sup>2</sup> For initial findings of the research, see Meyer-Sahling (2009).

One of the most comprehensive conceptions of EU civil service policy was formulated by SIGMA. SIGMA is a unit of the OECD that is primarily funded by the European Commission. From 1999 onwards, SIGMA conducted annual Public Service and Administrative Framework Assessments on behalf of the European Commission. The SIGMA assessments became an important but not the only source of information for the preparation of the public administration section in the Regular Reports. The aim of SIGMA assessments and the evaluations provided in Commission Reports was to examine the compatibility of the civil service with the so-called principles for a European Administrative Space. The concept of the European Administrative Space was developed by SIGMA in the late 1990s on the request of the European Commission (SIGMA 1998, Cardona 1999). It sought to provide a conceptual framework for horizontal administrative reform in the accession countries. It is based on the assumption that public administrations in EU member states share basic principles that are reflected in the formal-legal frameworks, practices and cultures of their administrations. The European principles are divided in four groups including (i) legal certainty, reliability and predictability, (ii) openness and transparency, (iii) legal accountability, and (iv) efficiency and effectiveness. Each group includes a range of supplementary principles such as impartiality, professionalism, political neutrality, proportionality etc.

The European principles were derived from the EU Treaties, the case law of the European Court of Justice, the administrative law of the member states as well as formal and informal exchanges of public officials in the wider European administrative space. It has been a matter of academic debate whether there exists a European Administrative Space or whether it is plausible to expect a convergence of public administrations on common European principles (Curtin/Egeberg 2008, Hofmann 2008, Olsen 2003, Siedentopf/Speer 2003). Most social scientists are sceptical with regard to the convergence of national administrations towards a common European Administrative Space. Instead, they emphasise the persistence of national traditions and the differential adaptation of national administrations to EU integration (Bossart et al 2001, Harmsen 2000).

The European Commission and SIGMA recognise that the public administrations of EU member states are different and reflect diverse traditions. Yet the notion of a European Administrative Space sought to capture a common core of administrative principles in the EU, in particular, the principle of ‘administration through law’ as a fundamental principle of how the EU conducts its business (Interview SIGMA1, EU4). Accordingly, SIGMA and the European Commission tend to relate the professionalisation of the civil service to the democracy criteria, in particular, the quality of the rule of law, which is seen as a precondition for the reliable implementation of the *acquis communautaire* (Interview SIGMA1, SIGMA2, EU4).

Despite these qualifications the European principles of administration cannot easily be operationalised to derive a detailed checklist for civil service reform in accession countries. SIGMA addressed this problem by developing so-called baselines for the assessment of horizontal administrative reform in accession countries. The baselines disaggregate the administrative reform criteria into six areas including the civil service (Verheijen 2000).<sup>3</sup> The civil service baseline comes closest to the formulation of EU civil service policy in a single

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<sup>3</sup> The other areas are the reform of the central government coordination machinery, public expenditure management, public procurement, internal financial control, and external audit (Verheijen 2000).

document. It lists general questions to guide the preparation of SIGMA assessments and the Regular Reports of the Commission.

The content of the EU approach to civil service reform in accession states is therefore most clearly revealed by consulting a mix of documents including the SIGMA baseline and other generic SIGMA publications, SIGMA country assessments and the Regular Reports published annually by the Commission. In addition, this paper relies on the clarifications and interpretations by policy-makers who developed and/or implemented EU civil service policy, i.e. Commission officials who were involved in the accession process, SIGMA officials who provided advice to accession countries and conducted annual assessments, and the administrative reformers in the new member states who were involved in pre-accession reforms. As a result, it is possible to derive a list of relatively precise minimum standards, which accession countries were expected to meet before accession. The minimum standards can be grouped into ten domains of civil service policy. Subsequently, they can serve as the benchmarks for the assessment of post-accession developments in the new member states.<sup>4</sup>

(i) The standards of the first domain of EU civil service policy concern the adoption and implementation of a civil service law in order to ensure principles such as impartiality, legal accountability and legal predictability. DG Enlargement's internal guidebook for the preparation of the Reports and the SIGMA Assessments emphasised the need for the 'full' implementation of the civil service law and the clear definition of the scope of the civil service vis-à-vis politics as well as other forms of public and private sector employment.

(ii) EU policy included the establishment of an administrative unit that is responsible for the central coordination and management of civil service policy. EU policy emphasised the need for sufficient management capacity but it did not specify the location of such a body in the central government structure. This flexibility reflects the large variation in management arrangements in the old member states. Informally, however, there was often a preference among Commission officials, SIGMA staff and members of other international organisations for the establishment of an independent civil service office or agency.

(iii) EU policy required the establishment of a system of open competition for entry to the civil service in order to ensure principles of openness, effectiveness and equal access to the civil service. Open competition is mostly referred to as the compulsory advertisement of job vacancies in the civil service.

(iv) EU policy expected the establishment of standardised written examinations that are mandatory for all new entrants to the civil service and that allow appeal for unsuccessful candidates in order to guarantee principles of merit recruitment, fair and equal treatment. In addition, EU policy promoted the establishment of selection commissions that were clearly regulated and free from political interference such as the inclusion of politicians and political appointees on selection panels.

(v) EU policy paid particular attention to the professionalization and de-politicisation of the senior ranks of the civil service in order to ensure principles of impartiality and political neutrality. Notwithstanding considerable differences in the old member states (see Peters/Pierre 2004), EU policy favoured a clear separation between politics and

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<sup>4</sup> EU civil service policy for accession countries can therefore be said to correspond to what Jacoby (2004) defines as a 'threshold' type condition.

administration and the de-politicisation of the top ranks right below the political leadership. Similarly, promotion to higher ranks was expected to be based on the principles of merit instead of political patronage.

(vi) Related to the previous point, EU policy promoted measures to protect civil servants from political and other forms of discretionary dismissal in order to support principles of political neutrality and impartiality and to contribute to the stabilisation of the civil service. High standards of job protection were expected for both senior officials and for the general civil service.

(vii) EU policy demanded the design of transparent and predictable salary systems. It emphasised the minimisation of managerial discretion over civil servants' basic salaries and was critical of performance-related pay measures that would delegate discretion over the allocation of bonuses to civil service managers or political officeholders. In addition, SIGMA assessments and Commission Reports showed continuous support for the alignment of civil servants' pay levels with private sector pay levels in order to attract and retain talent in public administration.

(viii) Following on from the previous point, EU policy expected the establishment of fair and transparent performance evaluation systems. The attention to performance evaluation systems was, to a large extent, the result of experimentation with performance-related pay methods in the accession states (see Randma-Liiv 2005) and hence the understanding that this would require a clear regulation of performance reviews and their consequences for salary decisions, promotions and training policy.

(ix) EU policy was concerned with the establishment of training programmes and the participation of civil servants in training in order to strengthen the effectiveness and professional competence of the civil service. In order to prepare training programmes and to reach high levels of training participation, EU policy further required the establishment of a capable training infrastructure such as public training institutes, schools of public administration and clear regulation for the procurement of training from outside public administration.

(x) Finally, EU policy required the regulation of civil servants rights and duties in order to ensure European principles such as professional integrity, political neutrality and impartiality. Expected measures included the regulation of civil servants' political rights, conflict of interest regulations that would target incompatibilities with activities in the private sector, the adoption of a code of ethics and special attention to the establishment of disciplinary procedures, as they address the conduct of civil servants on and off the job. These measures were usually also raised in the context of anti-corruption policy monitored in the Regular Reports and in the SIGMA Assessments.

The standards, grouped in ten domains, can be regarded as the basis of the EU's model of civil service reform for accession countries. They have been applied since 1999 and there has been little change ever since. The EU approach to use minimum standards implied that accession countries remained relatively free in developing their own civil service system. In fact, Commission officials and SIGMA officials place great emphasis on the compatibility of EU civil service policy with different administrative traditions in Europe. To some extent this reflects a political constraint, in that it would be unacceptable if the EU favoured the civil service model of one member state more than that of another. In practice, the choice of the

CEECs was more limited. For instance, the EU's standards were much closer to the continental *Rechtsstaat* tradition than to the new public management, which dominated the administrative reform discourse in Western democracies at that time (Olsen 2003, Verheijen 2000). EU policy stressed the formalisation of civil service management and the minimisation of managerial and political discretion in order to strengthen the principles of legality, professionalism, impartiality and de-politicisation.

The critical perspective of EU policy on the new public management reflects the assumption that the delegation of discretion to managers was not suitable for former communist countries. The legacy of over-politicisation and the weakness of the rule of law meant that too early too much new public management could be a risky choice leading to unpredictability and even corruption in the CEECs. At the time of developing the European principles and the SIGMA baselines, there was a general consensus among academics and EU policy-makers that the administrations in the CEECs needed to 'Weberianise' first before they could take in a greater dose of managerialism (Goetz 2001, Nunberg 1999, Verheijen/Coombes 1998, SIGMA 1998).

The reliance on minimum standards also created problems of inconsistency in the application of EU civil service policy to the accession states.<sup>5</sup> Individual standards such as examination systems and the de-politicisation of the senior civil service could be interpreted more or less rigidly by Commission staff in Brussels, SIGMA staff in Paris, EC Delegations in the accession states, and policy-makers of the candidate states. For instance, the failure of the Czech authorities to implement the Civil Service Act before accession (see also below) was seen as very problematic by SIGMA but it caused less headache for the negotiating team of DG Enlargement, as they expected that the 'Czechs would deliver' once they are in the Union (Interview EU5). By contrast, an amendment of the civil service law that facilitated the politicisation of the senior civil service in Poland in 2001 created major activities among EC Delegation staff and was later included in the Regular Reports to push the Polish government to rectify the departure from European principles of civil service management (Interviews EU6, PL1, EC 2002a). Bearing in mind the problems of applying the EU's reform model for accession countries consistently, the ten sets of EU standards can be used as a benchmark for the assessment of the durability of EU civil service policy after accession. This will be done in the next part. Subsequently, we will be able to examine the determinants of post-accession pathways based on the three scenarios outlined in the Introduction.

### **3. Diverse pathways in Central and Eastern Europe after accession**

This part examines the civil service developments in the CEECs after EU accession in order to identify the post-accession durability of EU civil service policy. The analysis covers the period between May 2004 and May 2008. It starts with the case that made the greatest step away from EU standards, Slovakia, and ends with the case that made the greatest step towards EU pre-accession standards, Lithuania. For each country, the discussion briefly outlines civil service development before accession in order to specify the point of departure at the time when CEECs became full EU members. The discussion then turns to the main features of civil service developments after accession.

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<sup>5</sup> See also Hughes et al (2004) who argue EU conditionality did not apply uniformly across time, countries and policy issues.

## *Slovakia*

The civil service of Slovakia made the greatest step backwards since accession when viewed through the lens of EU civil service policy for accession countries. Slovakia was a regional late-starter in the area of civil service reform. During the Meciar years, civil service reform concepts were discussed inside the administration but they never made it into parliament let alone onto the statute book (Interview SK1, SK3). Civil service reform gained only momentum after 1998 when the Dzurinda government took office. The reform led to the adoption a civil service law in 2001 and the implementation of the Act from 2002 onwards.

Slovakia received considerable international assistance from SIGMA and through the EU twinning programme for the preparation of civil service reform as well as for the subsequent implementation of parts of the new legislation, including the creation of an independent Civil Service Office, the examination system and the performance evaluation system. Especially the examination system and the salary system remained contested in the run-up to accession. The partial centralisation of these functions in the Civil Service Office led to conflict with ministries, in particular, the Ministry of Finance. Moreover, senior staff in the Ministry of Finance, including Finance Minister Miklos, advocated the introduction of private sector management methods in public administration. They were openly critical of the EU approach to civil service reform, which they considered as inefficient and rigid (Interviews SK2, SK3, SK4). A major amendment in 2003, for instance, led to the deregulation of the salary system and the introduction of highly discretionary bonus systems (SIGMA 2003a, Staronova/Lastic 2007). As a result, the fit of the Slovak civil service system with EU reform standards began to decline already before accession to the EU, even though it remained much higher than in 1997 when the European Commission made its first assessment of the Slovak civil service.

The divestment continued after accession. A major amendment of the civil service law in 2006 led to the abolishment of the Civil Service Office and the transfer of civil service management authority to the Ministry of Labour and the Government Office. The new units remained seriously under-staffed and lacked the capacity to effectively manage and coordinate civil service policy. The rank of Head of Service Office, the highest civil servant in the position of secretary general responsible for the management of the ministries including personnel matters, was taken out of the scope of the civil service and re-turned to the rank of political appointee. Parts of the examination system were abolished, while the remaining examination elements were fully delegated to ministries and agencies. Already shortly afterwards, reports emerged that examinations are ineffective and ‘tailored’ to recruit the preferred candidates (Interviews SK1, SK5).

The 2006 amendment also lifted the job protection for Directors General and other senior civil servants, granting the political leadership the right to dismiss them at will. The amendment was still passed by the Dzurinda government. It was described by observers as Dzurinda’s gift to Fico because the Fico government that took office later in the same year took advantage of the new freedom to dismiss large numbers of senior civil servants and to fill the positions with appointees close to the governing parties (Interview SK3).

The changes that were introduced in 2006 did not stop here. The dismantling of the Civil Service Office implied the end of centrally coordinated training policy and a challenge of the system of civil servants’ rights and duties such as the elimination of the disciplinary code from the civil service law. In short, during the first four years after accession, Slovakia’s civil service moved away from the EU pre-accession standards on almost all dimensions outlined

in the previous part. The post-accession development of the civil service in Slovakia is therefore classified as a case of reform reversal.

### ***Poland***

The Polish civil service development after EU accession shares many similarities with the Slovak case, in that most changes between 2004 and 2008 pointed away from the EU standards for civil service reform. Interestingly, like in Slovakia, the Polish civil service experienced some form of reform backsliding already in the last few years before accession but these initiatives were mitigated, primarily, thanks to the intervention of the European Commission (see also above, Interview PL1, PL2, EU6). In contrast to the Slovak case, the origins of civil service reform in Poland date back to the period of the Round Table Talks but the civil service has remained a contested issue ever since. The first Civil Service Act was adopted in 1996 but implementation was suspended by the centre-right Buzek government due to attempts of the outgoing centre-left Cimoszewicz government to ‘freeze’ political appointees into tenured civil service jobs (Interview PL1, PL2, EC 1998).

During the period of accession preparation, Poland adopted and implemented a revised law in 1998, set up an independent civil service office, established an ambitious selection and competition procedure for senior civil servants as well as for so-called nominated (tenured) civil servants to de-politicise personnel management and set up a tight system of rights and duties such as conflict of interest regulation and a code of ethics (SIGMA 2002a). As a result, the Polish civil service was well on track to meet the EU reform standards, even if there had been virtually no progress in areas such as salaries and evaluation.

Yet the centre-left Miller government that took office in 2001 challenged the civil service system when it introduced possibilities to circumvent the competition procedure for senior civil servants and thus to re-politicise the higher echelons of the bureaucracy (Czaputowicz 2005). Observers inside and outside Poland argue that the Civil Service Office only survived at that time because it was able to mobilise support from the EU, in particular, proactive officials at the EC Delegation in Warsaw (Interviews PL1, PL2, EU6).

After accession, this protective shield for the civil service and in particular the civil service office as the guardian of professionalism in Poland disappeared. The centre-right governments that were led by Prime Ministers Marcinkiewicz and Kaczynski politicised the civil service even more than their predecessors. Subsequently, a major reform of the civil service in 2006 led to the disbanding of the civil service office and the transformation of senior civil service job such as directors general, directors of departments and deputy directors of departments into political appointees. Directors became members of a large reserve of high ranking state officials called the ‘state staffing pool’. Open competition was no longer required and examination requirements were cut to a minimum. New public management ideas played no role in the Polish context. Instead, the changes were largely justified in the context of the government’s policy to fight corruption. This is paradoxical, as the politicisation of the civil service is usually associated with more corruption and not with less (Evans/Rauch 1999). Other aspects of the civil service system were left unchanged but, at least until the end of 2007 when the government changed again, the post-accession reform trajectory for Poland’s civil service is also best classified as a form of reform reversal.<sup>6</sup>

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<sup>6</sup> In the course of 2008, after the formation of the Tusk government in the autumn of 2007, there have been attempts to re-construct the civil service system but it remains to be seen to what extent these reforms will lead to a re-alignment with EU standards for civil service reform.

## *Slovenia*

Overall, Slovenia's post-accession pathway must also be classified as a case of reform reversal (see Table 1 below). However, the development was more ambiguous than those of the two cases discussed so far because most of the changes point in the direction of decreasing the fit with EU reform standards, while some changes were in accordance with these standards. The story of Slovenia's civil service also goes back to the early 1990s when first efforts were made to establish a framework for a professional civil service system but disagreement led to delays and several failed reform attempts. In particular, the public sector unions, which are powerful actors in Slovenia in contrast to the other new member states under discussion here, aimed to widen the scope of the civil service in order to enhance their own position and that of their membership (Interviews SI1, SIGMA1).

By the time the Commission started to monitor civil service developments in the accession countries in 1997, Slovenia had already a central management unit in the Ministry of Interior, a system for open competition and a training infrastructure in place. Slovenia finally adopted a civil service law in 2003. Moreover, a separate Salary Act was passed in order to rationalise the remuneration system but implementation was postponed beyond the accession date. In other words, Slovenia had reached a fairly high fit with EU standards for civil service reform by the time it joined the Union.

After accession, Slovenia was the first country in the region to challenge the outcome of the pre-accession reforms. The formation of the centre-right Jansa government in the autumn of 2004 was the first left-right pendulum swing in Slovenia since 1990.<sup>7</sup> The new government prepared an ambitious programme to improve the efficiency and quality of public administration. The reform agenda referred to both efforts to simplify the public administration as well as to the EU's better regulation policies (Interview SI2, SI3). The modernisation of the civil service was part of this reform programme. The government set up a new Ministry of Public Administration that also became responsible for civil service affairs. The Ministry belongs to the most potent civil service management structures in the region.

At the same time, the government pursued several initiatives that contradicted EU civil service policy. The government change produced much greater turnover in the central government administration than any government change had ever done before in Slovenia since transition.<sup>8</sup> In a major amendment of the civil service law, it was made easier to dismiss Directors General in the ministries and equivalent positions in other administrative offices. The rules and procedures for performance evaluation and the disciplinary process were taken out of the civil service act but government decrees to fill the legal vacuum were not adopted for almost four years. The implementation of the Salary Act was again delayed and full implementation was only achieved by the end of 2008. In a second important amendment in early 2008, the general examination system was replaced with a system of compulsory training and the training infrastructure was re-organised when the Administration Academy was downsized and integrated into the ministerial structure.

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<sup>7</sup> Governments in Slovenia have changed frequently since transition but the centre-left dominated most governments. Only the change in 2000 brought to government a centre-right dominated coalition but it lasted for only six months and did therefore not lead to major changes in policy and management.

<sup>8</sup> Interestingly, Slovenia has one of the most regulated procedures for the selection of senior civil servants that is administered by the so-called Council of Officials. Yet this institution was not able to prevent the politicisation of the senior civil service.

In short, most of the changes that occurred after 2004 point away from the EU standards. Only the establishment of the Ministry of Public Administration and hence the effort to further strengthen the management structure could be evaluated as positive but it should be recognised that the pre-accession set-up with a civil service department in the Ministry of Interior did already meet the EU standards (SIGMA 2003c). Attempts to embark on a new course of civil service management have to be recognised but from the perspective of the present paper the post-accession trajectory is better classified as a form of reform reversal.

### *Czech Republic*

Like Slovakia, Poland and Slovenia, the Czech Republic is also classified as a case of post-accession reform reversal. The Czech Republic is usually cited as the case that did not even meet the most basic EU's standard for civil service reform in accession countries because it did not implement the Civil Service Act that it had adopted in 2002 (Dimitrova 2005). The failure to implement the civil service law fits the long-term trajectory of civil service reform in the Czech Republic. Several attempts in the early and mid 1990s to pass a civil service law failed due to political concerns over a loss of control and the granting of privileges such as job security to bureaucrats, which contradicted the neoliberal convictions of Prime Minister Klaus and the governing party, the Civic Democrats (Interview CZ1, CZ2, Vidlakova 2001). As a result, at the time of accession the Czech civil service met basically none of the EU standards for civil service reform (SIGMA 2003b).

After accession, the Czech government made no efforts to rectify this state of affairs. The implementation of the Civil Service Act was postponed again and four years after accession virtually nobody expected that the Act would ever be implemented. Moreover, even the efforts that had been made to prepare the implementation of the Civil Service Act such as the establishment of a General Directorate for the civil service, a kind of independent civil service office within the jurisdiction of the Government Office, were first halted and then reversed when the General Directorate was abolished in 2006 after the centre-right Topolánek government was formed. In the meanwhile, the responsibility to draft a new Civil Service Act was moved (back) to the Ministry of Interior, while there existed no more body responsible for the central coordination and management of civil service policy. The changes also affected the training regime. For instance, the Institute of State Administration was transferred to the Interior Ministry but it became exclusively responsible for the preparation of civil servants for the time when the Czech Republic would hold the EU presidency.

There were attempts to re-start the reform of the civil service in the Czech Republic during the Topolánek government. The government made the preparation of reform part of its work programme and the Ministry of Interior elaborated on a new concept act. However, the absence of coordinated civil service policy for almost two decades has led to the differentiation and hence the emergence of 'many civil services in the Czech Republic'. Each ministry has its own personnel management system (Interviews CZ2, CZ3, CZ4). The lack of a legal framework has turned informalism into one of the hallmarks of the Czech civil service. Some ministries manage their personnel as if the civil service act were in force, some don't (Interview CZ2, CZ3, CZ4).

The post-accession changes had only a marginal effect on the actual workings of the civil service system but the measures that were taken undermined the prospect of meeting the EU standards for civil service reform even further. Overall, the scope of reform backsliding was

smaller in the Czech Republic than in Poland and Slovakia but backsliding occurred from a very low level and it included only very minor efforts to build any new institutional framework for the civil service.

### ***Hungary***

Hungary's post-accession pathway is even more ambiguous than that of Slovenia. Hungary did long have the status of 'regional frontrunner' in civil service reform (Dimitrova 2005). The first Civil Service Act that was passed in 1992 ticked already most of the boxes, which later became the EU minimum standards for civil service reform. In fact, some of the Hungarian reformers were involved in the discussions leading to the development of the European principles of administration and the SIGMA baselines for administrative reform in accession countries. Hungary is thus an exceptional case among the CEECs, as it was able to shape EU accession policy rather than merely download it (Interviews SIGMA1, SIGMA2, EU7, HU6).

Yet pressures of politicisation of the Hungarian civil service emerged basically from the time when the first Act was implemented and have grown ever since. As a result, major reform programmes were developed in 1997 and 2001 but they did usually not lead to the outcomes desired by the reformers. During the preparation for accession, Hungary maintained a reasonable fit with EU standards but the trend was already negative. The reform in 1997, for instance, introduced discretionary performance related pay measures, which were meant to modernise the remuneration system but are problematic when viewed from the perspective of EU civil service policy in accession countries. Another reform in 2001 aimed to plug some of the discretionary holes in the salary system. Yet the 2001 reform also established a separate senior civil service system, which was abused at birth when the Orbán government politicised the process of selecting the members of the new corps of senior officials (EC 2003).

After accession, Hungary was again the most ambitious reformer in the region but the outcomes of the reform remain contested, highly uncertain and ambiguous insofar as the EU reform standards are concerned. After gaining re-election in 2006, the Gyurcsány government initiated a major reorganisation of the central government apparatus, which involved the transfer of administrative and deputy state secretaries as top civil service position into political appointments outside the scope of the civil service. As a result, major human resource management responsibilities came under the responsibility of political appointees. Moreover, while the central management of the civil service was unified in the Prime Minister's Office, it was subject to reorganisations, departures of experienced staff, several leadership changes and in 2008 it was even without leadership for several months (Interviews HU2, HU3).

In the context of the preparation for a wider public sector reform, the Gyurcsány government developed a civil service reform programme that was heavily influenced by new public management thinking. The amendment of the civil service law in 2007 led to the establishment of a new government personnel centre that would become responsible for the administration of a new *concours*-like examination system, the management of job vacancies and the pre-selection of civil service candidates (Interview HU4). The amendment also institutionalised the compulsory advertisement of job vacancies in the civil service; a standard that had already been met in all new member states except the Czech Republic before accession.

The reform further introduced a new competency based evaluation system and reformed the performance-related pay system, paying up to six monthly salaries as an annual bonus for outstanding performance (Interviews HU1, HU2, Government of Hungary 2006). The new performance-related pay system is more clearly regulated than its predecessor but it uses a system for forced distributions, which produced implementation problems and, above all, major resentment among civil servants (Interview HU2, HU3, HU5). Moreover, the reforms in the areas of recruitment and selection were not implemented in time. Bearing also in mind the unstable political situation in Hungary after March 2008 and in particular after the change of government in 2010, it remains to be seen whether they will ever be fully implemented.

From a formal-legal point of view, the reform that was passed in 2007 includes several changes that increase the fit with EU civil service policy. However, the major problems of implementation raise serious questions as to whether these changes can really be classified as a form of reform continuation. The post-accession trajectory in Hungary therefore shows signs of re-orientation and ambivalence, as some aspects of civil service governance demonstrate a higher fit with EU standards, while other aspects shifted away from the EU standards.

### ***Estonia***

The three Baltic States differ from the Central European states in that they have all continued their investment in the civil service after EU accession. Estonia is the most difficult case to classify, as there was very little change during the first four years after accession. In fact, Estonia's civil service also underwent relatively little change during the period of accession preparation. The most significant reform was already passed in the mid 1990s and it was still part of the package that was prepared in the context of the constitution-making and state-building process in Estonia (Interview EE1). The Public Service Act of 1995 established a civil service system that, at least on paper, fit many of the standards that later became part of EU policy for accession countries.

The implementation of the Act has been a problem ever since it was adopted but subsequent attempts to pass an amendment of the Public Service Act failed both during the preparation for accession and after accession. Implementation problems have been consistently high in the areas of performance evaluation and salaries (Interviews EE2, EE3). The salary system effectively consists of two worlds whereby the real world of salary policy is fitted into the formal world of the salary system *after* real salaries are negotiated in order to maintain the mantle of legality. Another major weakness of the Estonian civil service concerns the fragmentation of central management competencies between the State Chancellery, the Ministry of Justice and the Ministry of Finance (SIGMA 2003d, Interview EE4). As a consequence, the coherence of the civil service is often called into question.

At the same time, Estonia's civil service stands out with low levels of politicisation and a well entrenched ethos of professionalism (Palidauškaite et al 2007). Interestingly, Estonia has no examination system and it never experimented with any. During the preparation for accession, SIGMA and the Commission repeatedly pointed at the weaknesses of the Estonian civil service but reform attempts never succeeded (Sigma 2003d, EC 1999a, 2002b).

After accession, there was initially nothing new, in that yet another attempt to reform the civil service failed to even make it into parliament. Yet the Estonian civil service development experienced several constructive bottom-up developments such as the development of a new

competency-based framework for the training of senior civil servants and the application of new job evaluation techniques to determine civil servants' salaries. Implementation in these areas remained uneven and it remains to be seen whether a recently started reform effort will produce the desired legal change.<sup>9</sup> However, the incremental changes that occurred on the ground must be seen as positive in the light of the EU standards, while there is no sign of backsliding, which sets Estonia apart from the cases that we have discussed so far.

### ***Latvia***

The Latvian trajectory is similar to the Estonian case when looking at the scope of change that has been introduced after accession. Yet the Latvian development was prepared and managed from the top-down, giving it ultimately more coherence than in Estonia. Latvia also belongs to the countries that had reached a relatively good fit with EU standards at the time of accession. Civil service reform in Latvia, like in Estonia, goes back to the post-transition period and is closely linked to the process of constitution-making and state-building (Interviews LV1). The 1994 State Service Act would have passed most assessments by the EU institutions but it was never fully implemented. In particular, the standardised examination system did not work as desired, while the salary system became famous for the so-called 'management contracts', which gave ministers the discretion to freely negotiate salary deals with their officials.

During the preparation for accession, the Commission and SIGMA together with other international consultants suggested an overhaul of the civil service system, which led to the preparation and adoption of a new State Service Act in 2000. The new Act copied large parts of the inherited system except for the written examinations, which were left out (Interview LV2, SIGMA 2002b). Moreover, while the general salary system was significantly streamlined, the management contracts were not abolished despite EU pressure to do so (SIGMA 2002b, EC 1999b). Apart from these 'misfits', Latvia's civil service nonetheless met most EU standards at the time of accession in 2004. The Civil Service Administration and the State Chancellery formed a capable management structure of civil service policy and Latvia has had, together with Estonia, arguably the least politicised senior civil service in the region. Even the selection of Secretaries of State at the very top of the civil service hierarchy is subject to limited political interference, which seems to have contributed to the professionalisation of other aspects of civil service governance (Interview LV3)

After accession, Latvia renewed its administrative reform programme including the programme for the reform of the civil service. The most important change concerned the reform of the salary system. Latvia reformed the evaluation system and then introduced a performance-related pay system that links already the basic salary of civil servants to the outcomes of their evaluation. The reform made it also possible to bring salary levels up to 80 per cent of comparative private sector salaries, which meant that the salary position of civil servants was significantly enhanced. Despite these changes, management contracts remain in place and managerial discretion remains important for the general salary system. The development since accession should therefore be classified as a case of reform continuation even if the scope of change was very small.

### ***Lithuania***

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<sup>9</sup> At time of writing, the outcome of the reform was uncertain.

For the period between 2004 and 2008, Lithuania comes out as the country with the ‘best’ reform record. In fact, Lithuania can also be seen as the country with the best reform record during the period of accession preparation (i.e. 1997 – 2004). Lithuania started to invest in the reform of the civil service in the mid 1990s when a Law on Officials was adopted to regulate and unify public sector employees in contrast to employees in the emerging private sector (Interview LT1). The revision of the law was an initiative that came out of an EU-PHARE project that was already implemented before the Commission’s Opinions were published in 1997 (Interviews SIGMA1, LT2). A new Civil Service Act was passed in 1999. The adoption is a good example of EU conditionality at work because the Lithuanian parliament hastily passed the Act just before the decision by the EU on the opening of the negotiations for membership (Interview LT2, LT3, LT4). A major amendment in 2002 contributed to improved central management by the Civil Service Department in the Ministry of Interior, it brought the salary system up to standard, and it generally improved the implementation of the Act. Throughout the pre-accession period, Lithuania benefited from regular SIGMA advice and from various twinning projects to support the implementation of the Civil Service Act.

By the time, Lithuania joined the EU, the civil service system met most of the EU standards for reform, including capable central management structures, the only reasonably well functioning system of written examinations in the region, a capable training system and a salary system that included bonuses for good performance but was generally less discretionary and less unequal than the salary systems of the other countries. Lithuania also managed to de-politicise the senior civil service far more than the Central European countries but less than Latvia and Estonia. One of the few areas that did not pass the threshold included the system of rights and duties, for instance, because Lithuania failed to develop and apply a proper code of ethics (Palidauškaite et al 2007).

After accession, Lithuania continued the investment in the civil service. A new administrative reform programme, Strategy 2007 – 2013 was adopted, which included detailed plans, objectives and measures for civil service development. In the years after 2004, the Civil Service Department was further strengthened by gaining authority over the development of reform legislation. The evaluation system was revised to include strategic evaluations of senior officials. The salary system was further unified. Training programmes were developed further to focus on competency development of senior officials etc. In short, the Lithuanian development started off from a relatively high level in 2004 and the development continued in accordance with EU standards for civil service policy. Lithuania must therefore be classified as a case of post-accession reform continuation.

#### **4. Conclusion**

This paper examined what happened to the professionalisation of the civil service in the CEECs after EU accession. It sought to identify whether the new member states continued to reform their civil service systems in accordance with the standards of civil service policy that the EU employed before accession or whether they departed from the EU model of reform. The empirical analysis revealed that there is no single pattern to capture post-accession civil service developments. Instead, it identified cases of reform continuity (the Baltic States), cases of reform backsliding (Slovakia, Poland, Czech Republic, Slovenia) and one ambiguous

case (Hungary) that combines elements of reform continuation and reform backsliding.<sup>10</sup> The finding of diverse post-accession pathways supports Pridham's (2008a) two-country comparison who argues with respect to the political membership criterion of the EU that post-accession developments are best characterised by a mixed picture.

The findings raise a number of critical questions for the analysis of civil service developments in CEECs and generally for the study of post-accession developments in the new member states. Conceptually, it is possible to assess the durability of EU policy by examining post-accession developments against EU pre-accession standards but this approach is not without trade-offs. For instance, it struggles to capture the post-accession innovations in civil service governance in CEECs. Countries such as Hungary pursued a radical new public management strategy. The changes in the areas of salaries and performance evaluation in Latvia and to a lesser extent Estonia go in the same direction. Slovenia initiated reforms that were inspired by the new public management but it did not follow them through. Even the reform talk in Slovakia and the Czech Republic was much more favourable towards private sector methods than the kind of civil service policy that was advocated by the EU before accession. More recently, the new public management wave also reached Lithuania, leaving Poland as the only country that has so far shown little interest in new public management thinking. These trends cannot be easily captured by studies that focus on the post-accession durability of EU pre-accession policies.

The most critical question concerns the driving forces behind diverse post-accession civil service developments and hence the determinants of post-accession reform durability in CEECs. The Introduction of this paper outlined three scenarios to account for post-accession civil service developments in CEECs. The first scenario – the pessimistic post-conditionality expectation – receives least support from the findings of this paper. According to Epstein/Sedelmeier's (2008) hypothesis, all new member states should have reversed civil service reforms due to the presence of pre-accession conditionality in an area over which the EU has no direct Treaty competencies, the absence of conditionality after accession and the absence of EU sanctioning mechanisms after accession. The presence of very different post-accession pathways is incompatible with this expectation.

Our second scenario placed particular emphasis on the role of social learning based mechanisms of Europeanisation that were at work both before and after accession. It also receives little support from the findings of this paper because there was no general trend towards the continuation of civil service reforms after accession. The same conclusion emerges when looking more specifically at the fate of social learning based instruments in CEECs after accession. The use of twinning to support the implementation of civil service laws in several countries and the regular contact and exchange between SIGMA and the then candidate states can be classified as instruments that correspond to social learning based mechanisms of EU influence seeking. The list of countries that were twinning beneficiaries in the area of civil service reform suggests that there is no close correlation between twinning

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<sup>10</sup> The World Bank (2007) reaches similar conclusions for the general evaluation of administrative capacity two years after accession. It addresses issues such as performance management in government, policy coordination and human resource management. With regard to the state of play in 2006, the study ranks Lithuania and Latvia on most dimensions at the top of the new member states, while Poland, Slovakia and the Czech Republic perform weakest.

and post-accession civil service developments.<sup>11</sup> In fact, the efforts made to ‘furnish’ the civil service offices in Poland, Slovakia and the Czech Republic had largely gone up in smoke by the end of 2006 when all three offices had been demolished. The exception was Lithuania, which received twinning support for the implementation of the civil service law and for the establishment of the Lithuanian Institute of Public Administration. The long-term effect of the SIGMA programme is even more difficult to establish. After accession, the SIGMA programme was phased out for CEECs studied in this paper. Informal contacts to administrative policy-makers persisted and SIGMA was occasionally asked to comment on or participate in events in the CEECs. However, the degree of contact after accession largely depended on the whereabouts of pre-accession reformers.

After accession, the EU developed new instruments that can be included in the group of social learning based mechanisms of Europeanisation. A full evaluation of their impact is beyond the scope of this paper but there are good reasons to argue that their size and scope has been too limited to have a major effect on post-accession pathways. After accession the EU began to give financial support from the European Social Fund (ESF) for institutional capacity building in the public sector. The total allocation from the ESF budget is 2.051 billion Euros, which constitutes 2.7 per cent of the ESF total budget.<sup>12</sup> The funding was almost exclusively used for training of officials in a wide range of public sector organisations and there are no mechanisms in place to ensure that the funded activities are compatible with the European principles of administration as discussed above (Interview EU8). Training policy does not belong to the areas that stand out as areas of reform continuation in comparison to other areas of civil service governance. However, the financial support from the EU provided conditions for the continued provision and participation in training and for the development of new training programmes, for instance, the senior civil service competency framework in Estonia. It is therefore plausible to argue that a larger amount and a more elaborate programme of financial support might have provided positive external incentives for the continuation of civil service reform.

In addition, CEECs became full members of EUPAN (European Public Administration Network), which is a forum for the exchange of developments in public administration in EU member states and the European Commission. Human resources management is one of three working groups. Group meetings take place twice per Presidency and hence four times per year. The effectiveness of EUPAN is contested, in particular, by participants themselves (Interviews EU4, SIGMA1, SIGMA2, SI2, PL3, LV3). It is widely argued that EUPAN tends to lack a clear purpose beyond acting as a forum for discussion. Moreover, delegates from the member states tend to lack a clear mandate from their national administrations. The diffusion of information back to the national level and hence the learning effect of participation in EUPAN is considered as limited. It can therefore be concluded quite safely that EUPAN, for the time being, did not act as a mechanism to prevent reform backsliding after accession.<sup>13</sup>

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<sup>11</sup> It is important to recall that twinning targeted mainly the *acquis* areas and not the enlargement *acquis* such as the civil service. Twinning projects that addressed the civil service were exceptions and amount to just over 1 per cent of all projects conducted between the late 1990s and mid 2000s.

<sup>12</sup> Among the countries studied in this paper, there is some variation in the extent to which ESF allocations are used for institutional capacity building. Lithuania allocates the largest proportion to institutional capacity building (16.5 per cent) and Slovenia the lowest proportion (2.1 per cent). The average for the *new* member states including Bulgaria and Romania is 3.6 per cent of the entire ESF budget. Information provided for the authors by DG Employment (May 2008).

<sup>13</sup> No doubt, EUPAN has an interesting potential to play a more influential role in the future development of a more proactive European Union public administration policy.

This leaves us with our third scenario, which emphasises the impact of domestic conditions on the post-accession durability of pre-accession reforms. We identified three kinds of domestic factors in the Introduction. First, post-accession reform backsliding could be prevented by means of supermajorities that need to be passed before legislation can be changed (Schimmelfennig/Trauner 2009). None of the eight CEECs has particular rules for the amendment of civil service laws in place that could have prevented reform reversals. Moreover, the constitutional entrenchment of the civil service is low in most countries. The civil service is mentioned in the constitution of several countries such as Slovenia, Poland and the Czech Republic but the provisions are not sufficient for courts to place major constraints on governments. Interestingly, the Czech constitution requires that the employees of the state administration are regulated by a civil service law. As shown above, this constitutional provision is not met in the Czech Republic.

Second, it was proposed that reform backsliding can be prevented if NGOs and other stakeholders are in a sufficiently strong position to monitor developments and to veto reform reversals after EU accession (Pridham 2008). In the area of civil service development, the first non-state actors that come to mind as monitors and defenders of the civil service are civil service unions. In CEECs, civil service unions are - like unions in CEECs in general - very weak (Crowley/Ost 2001, Greskovits/Bohle 2007). Due to the involvement of unions in the communist regimes as 'transmission belts' of the communist party, unions tend to suffer from a bad reputation. Union movements tend to be divided, membership is low and organisational capabilities are poor. In the Czech Republic and Slovakia, public service unions supported the adoption of civil service laws in the early 2000s but they never developed into actors that would have the capacity to prevent a de-professionalisation of the civil service. The exception in this regard is Slovenia. Unions are large and influential, in particular, in the public sector. Public sector unions were instrumental in delaying the adoption of the civil service law as well as the salary act, as they sought to retain their influence over public sector wage bargaining. Yet even in Slovenia the unions were not able to prevent a partial reversal of civil service reforms shortly after EU accession, as they were relatively more distant from the centre-right Jansa government that took office in late 2004.

This leaves us finally with the role of political constellations in preventing reform backsliding after accession. Indeed, the countries that experienced changes of government from one side of the political spectrum to the other experienced some form of reform backsliding. In Slovenia, the change of government occurred in the autumn of 2004 bringing to office a centre-right led coalition. In Poland, the centre-right Marcinkiewicz government took office in 2005. In Slovakia and in the Czech Republic, the shifts to left and right respectively occurred both in 2006. All four countries experienced a change in the direction of civil service development after the change of government. In Slovakia, the Czech Republic and Poland, the ground for these changes was already prepared by the outgoing governments. It is hence apparent that the new governments did not longer feel bound and committed to reforms that were (with varying degrees of enthusiasm and success) pursued before EU accession.

The three Baltic States differ in that they did not experience major changes of government during the first four years after EU accession. Governments also changed. But in Latvia and Estonia, the changes were partial and limited to the replacement of centre-right parties. In Lithuania, the changes were also partial, in that some of the centre-left parties were

substituted when Prime Minister Brazauskas was replaced by Kirkilas in 2006.<sup>14</sup> There are good reasons to argue therefore that the survival of at least one major party of the last pre-accession government was a sufficient condition for the continuation of civil service reforms after accession. By contrast, once the coalition of pre-accession reformers was voted out of office, there was no more commitment to pre-accession reforms. In the area of civil service reform, post-accession backsliding was thus largely the result of ‘coalitional drift’ (cf. Shepsle 1992) rather than a Pavlovian response to the withdrawal of conditionality.

Hungary is the only case that requires qualification. The centre-left coalition in Hungary was the only coalition of parties that gained re-election during the post-accession period. The continuity should have hence been greatest in this case but, as explained above, the pre-accession development of the Hungarian civil service was ambiguous when assessed against the EU’s civil service policy standards. Yet even if Hungary did not experience a change in the partisan composition of government during the period under investigation, it experienced important changes in the political leadership and in the direction of policy after Gyurcsány succeeded Medgyessy as Prime Minister in the summer of 2004. Especially in the run-up to and after the elections of 2006, Gyurcsány advocated a radical public sector reform agenda that was heavily influenced by the new public management. It remains to be seen what will happen to many of these initiatives in the future, especially after the change of government in 2010, but there is no doubt that the period from the middle of 2006 saw major reform activism including major changes of senior personnel in government that hardly differed from the changes that occurred after the left-right government alternations in 1994, 1998 and 2002 (see Meyer-Sahling 2008). As a result, there was little commitment to the ideas held by the previous generation of administrative reformers. In fact, the appointment of a private sector manager to initiate a radical civil service reform presented a clear commitment to a new course, which turned out to be only partially compatible with the EU standards of civil service policy.

It remains to be seen whether the correlation between patterns of government alternation and post-accession reform pathways will persist in the longer term and the extent to which it applies to other policy areas, in particular, areas that are not part of the EU’s *acquis communautaire*. Yet the findings of this paper certainly have implications for the European Commission’s approach to administrative capacity building in current candidate and potential candidate states, for instance, on the Western Balkan: The withdrawal of conditionality and the lack of EU sanctioning mechanisms made civil services in the CEECs vulnerable to coalitional drift after accession, in particular, because there were hardly any factors that could have locked in the level of professionalization and reform that had been reached at the time of accession. Future EU policy in this area will hence need to address problems of post-accession durability more explicitly than hitherto.

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<sup>14</sup> The first wholesale change in more than one decade occurred at the end of 2008 after the cut-off date for this study. As indicated above, the new government quickly put major pressure on the civil service. The 2008 development in Lithuania therefore further supports the argument developed in this paper.

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**List of interviewees (position at the time of interview unless otherwise stated)**

- CZ1, Former senior official, General Directorate of the Civil Service, November 2007
- CZ2, Director, Ministry of Environment, November 2007
- CZ3, Director, Ministry of Agriculture, November 2007
- CZ4, Director, Ministry of Finance, November 2007
- EE1, State Secretary, State Chancellery, January 2008
- EE2, Head of Department, Ministry of Welfare, January 2008
- EE3, Secretary General, Ministry of Environment, January 2008
- EE4, Head of Department, State Chancellery, January 2008
- EU1, Policy Officer, DG External Relations, May 2008
- EU2, Deputy Head of Unit, DG Enlargement, May 2008
- EU4, Head of Unit, DG Administration, May 2008
- EU5, Director, DG External Relations, May 2008
- EU6, Head of Unit, DG External Relations, May 2008
- EU7, Policy Coordinator, DG External Relations, May 2008
- EU8, Head of Unit, DG Employment, May 2008
- HU1, State Secretary, Prime Minister's Office, March 2008
- HU2, Advisor, Prime Minister's Office, March 2008
- HU3, Head of Division, Prime Minister's Office, March 2008
- HU4, Senior official, Government Personnel Centre, March 2008
- HU5, Head of Division, Ministry of Finance, March 2008
- LT1, Former vice-minister, Ministry of Public Administration and Local Gov Reform, January 2008
- LT2, Head of Department, Ministry of Environment, January 2008
- LT3, Member of Parliament, January 2008
- LT4, Head of Unit, Committee of Public Administration, Parliament, January 2008
- LV1, Former state secretary, Ministry of State Reform, January 2008

LV2, Senior official, Civil Service Administration, January 2008  
LV3, State Secretary, State Chancellery, January 2008  
PL1, Former head of Civil Service Office, June 2007  
PL2, Director General, Ministry of Finance, March 2008  
PL3, Former deputy head of Civil Service Office, June 2007  
SI1, Advisor, Office of the President, February 2008  
SI2, Head of Department, Ministry of Public Administration, February 2008  
SI3, Director General, Ministry of Public Administration, February 2008  
SIGMA1, Senior official, January 2008  
SIGMA2, Senior official, January 2008  
SK1, Civil servant, Ministry of Labour, February 2008  
SK2, Former Minister of Finance, February 2008  
SK3, Former senior official, Ministry of Labour, February 2008  
SK4, Former senior official, Ministry of Finance, February 2008  
SK5, Director General, Ministry of Transport, Post and Telecommunication, February 2008  
SK6, Former head of Civil Service Office, February 2008