



European Administration

Erzsébet CSATLÓS, PhD
Institute of Public Law
Csatlos.e@juris.u-szeged.hu



EUROPEAN ADMINISTRATION

Chapter II The European Union as an administrative system

The slideshow is designed to help the understanding of the reading material of 4x45 minutes of studying!

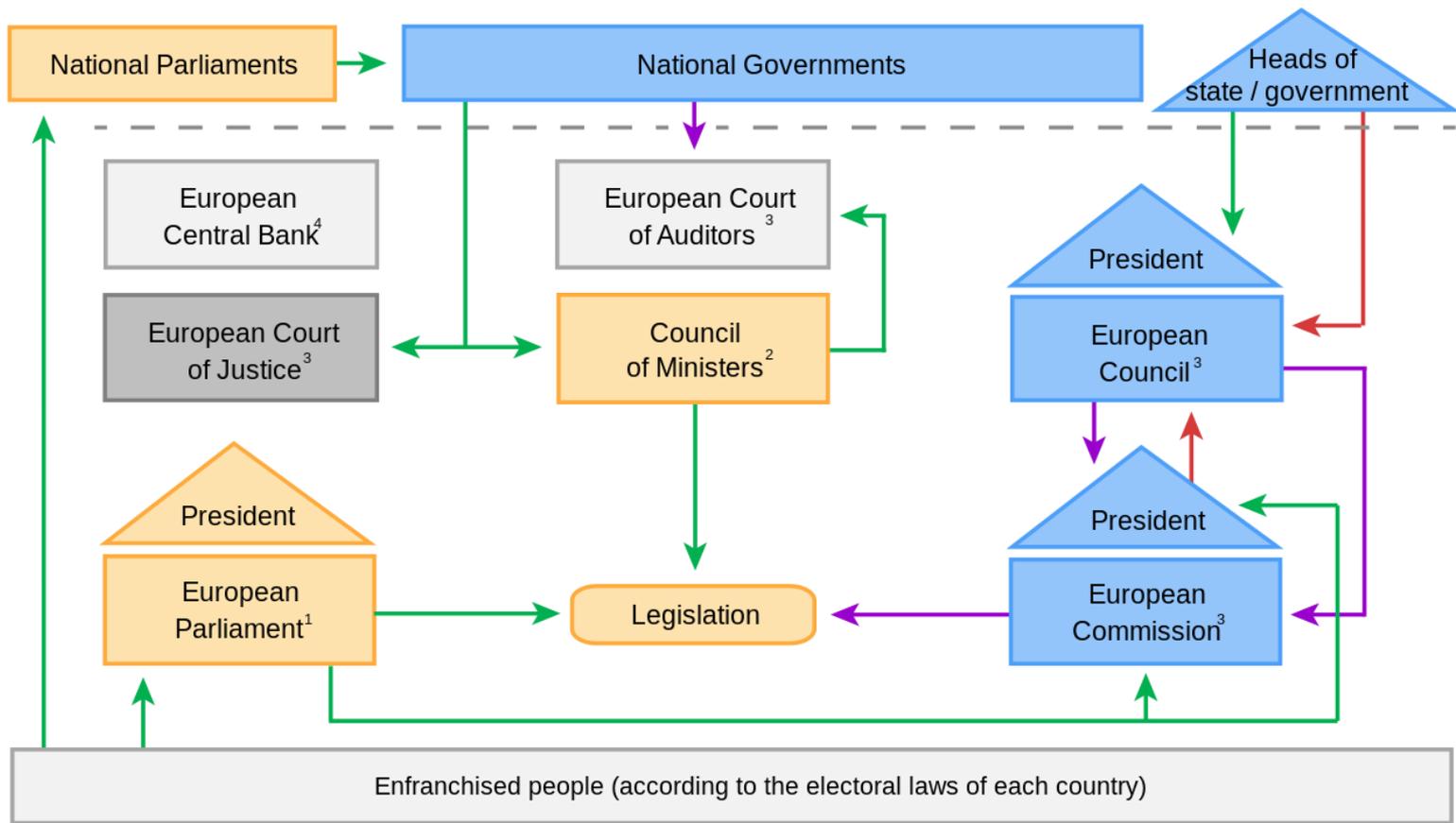
- ❑ founding treaties
- ❑ Own permanent organization



supranational characters:

- ❑ legal personality, incl.:
 - ✓ has rights and can assume international obligations,
 - ✓ conclude international agreements with third countries or other international organizations;
 - ✓ can issue claims and claim compensation in the light of international law rules,
 - ✓ can establish diplomatic relations
- ❑ political leader institution:
 - European Council moved from an informal to a formal institution
- ❑ formalization of the rotating presidency
- ❑ ordinary legislative procedure





- Legislative branch
- Executive branch
- Judicial branch
- elects / appoints / decides on
- membership
- proposes

- 1: Elections are every 5 years. The right to vote may be different depending on the country
- 2: State chamber. Convenes in varying composition depending on the policy area. Each country is represented by one member per department
- 3: Each country is represented by one member
- 4: The European Central Bank is composed of representatives of the national central banks. Its Board is elected by the European Council on the proposal of the Council of Ministers

MULTI-LEVEL ADMINISTRATIVE SYSTEM OF THE EU



European Administrative Space

Varies from State to State



Own traditional structure of the state

Supranational institutions and bodies of the EU

Direct administration

networks

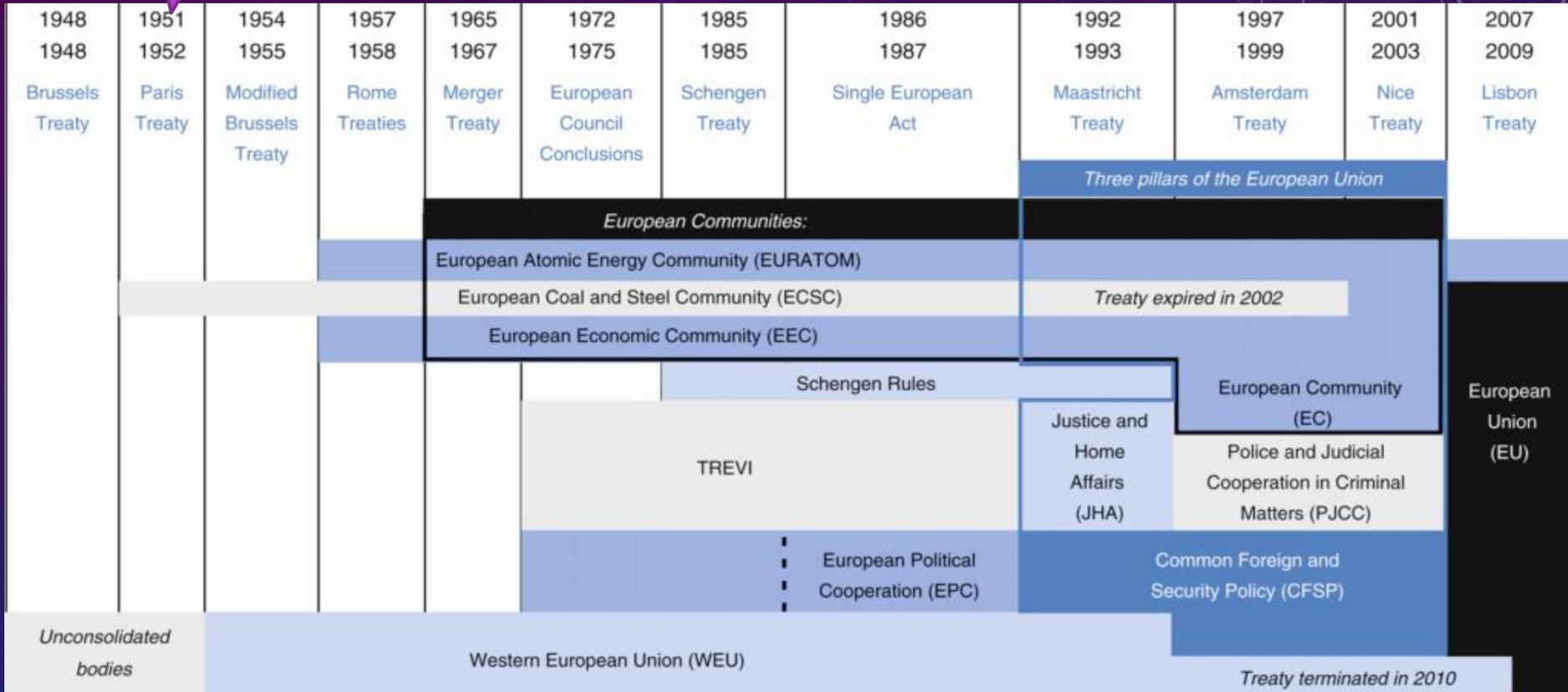
Indirect administration

Administrative authorities of the Member States



The Founding 6

2009
X



2004
Post-soviet Eastern Europe

1950s

- Economic aspects

1970-80

- Deepening of economic cooperation

1981 EIPA

- European Institute of Public Administration

1986/87 Single European Act

- Building of internal market needs administrative steps

1992/1993 Maastricht Treaty

European citizenship

1992 SIGMA

- OECD and the European Commission's Phare Programme
- to support Central and Eastern European countries in their public administration reforms



1993 Copenhagen criteria

- **democratic institutions** which guarantee the human rights and ensure the protection of the minorities,
- a functioning market economy
- **capable of fulfilling the obligations deriving from the EU membership**

1995 White Paper

- preparation of the associated countries of *Central and Eastern Europe* for integration into the internal market of the union
- Administrative channels between EU and CEEs

1997 Amsterdam Treaty

- area of **freedom, security and justice**
- to ensure the free movement of persons and to offer a high level of protection to citizens



SIGMA
Creating Change Together

1999



A joint initiative of the OECD and the EU,
principally financed by the EU

- The EU institutions **cannot be substituted** with national institutions, but they are obliged to cooperate.
- National administrations are **responsible for the implementation and execution** of the EU's decisions
- National administrations have to be **reliable, transparent** and have to function **in a democratic way.**

European
Administrative Space



Legality and
effectiveness

- ❖ Rule of law
 - ❖ Reliability and predictability
 - ❖ Publicity
- ❖ Accountability (public responsibility)
 - ❖ Efficiency and effectiveness

RELIABILITY AND PREDICTABILITY

**Administrative bodies when
they take their decisions and
their actions**

- have to be bound by the law
- have to ensure the rule of law
- and the principle of legality



OPENNESS AND TRANSPARENCY

- administration is available for the external examinations and for the citizens concerned

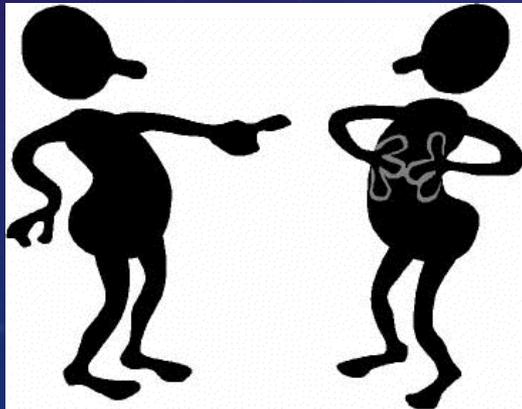


- enables the realization of the aims of control and examination



ACCOUNTABILITY (PUBLIC RESPONSIBILITY)

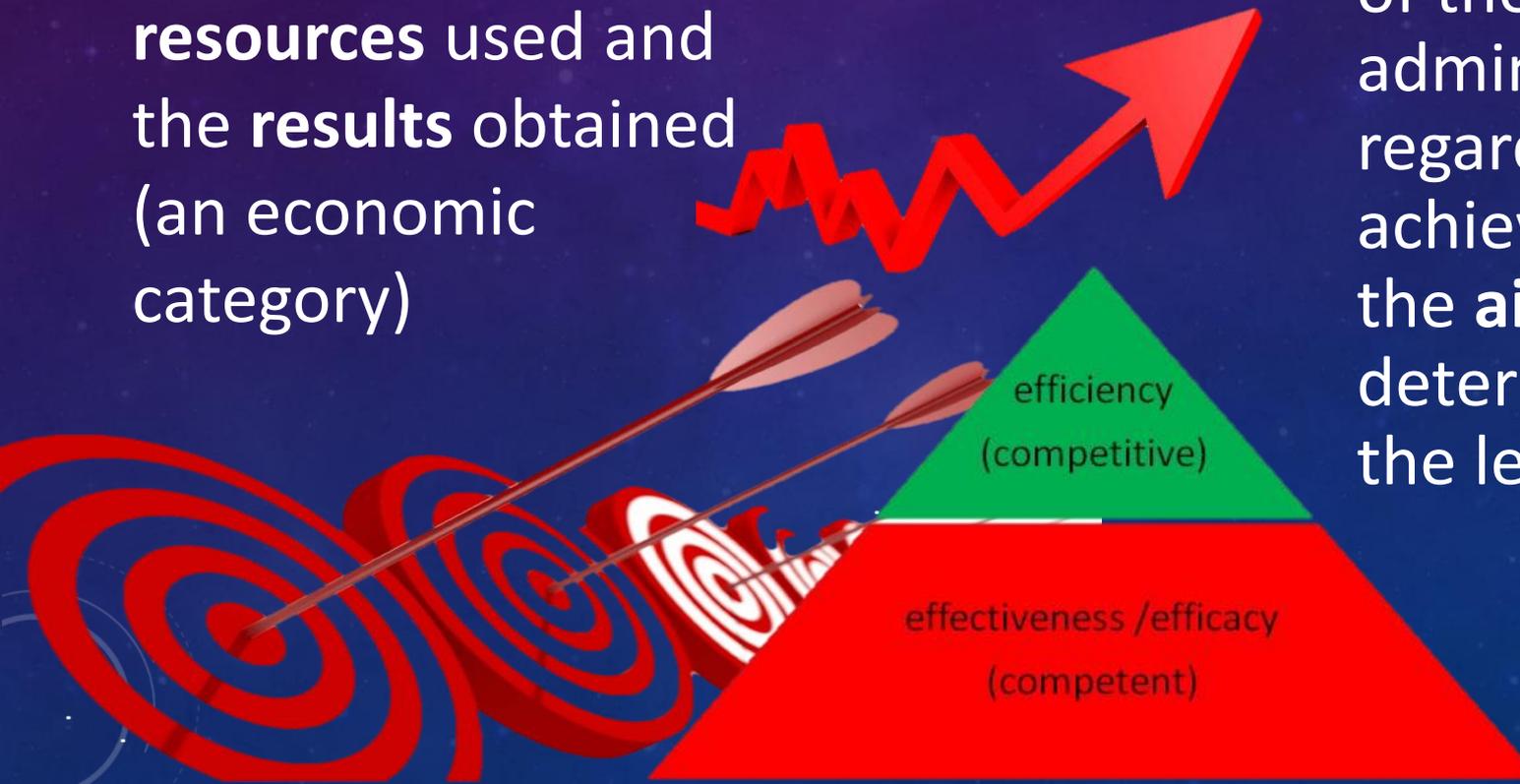
- each authority is liable for their actions and omissions before the other authorities, the courts or the legislator
- Aim: to provide that the administrative bodies function lawfully



EFFECTIVENESS AND EFFICACY

- favorable ratio between the **resources** used and the **results** obtained (an economic category)

- how successful is the performance of the administration as regards the achievement of the **aims** determined by the legislator



2000

- Lisbon strategy

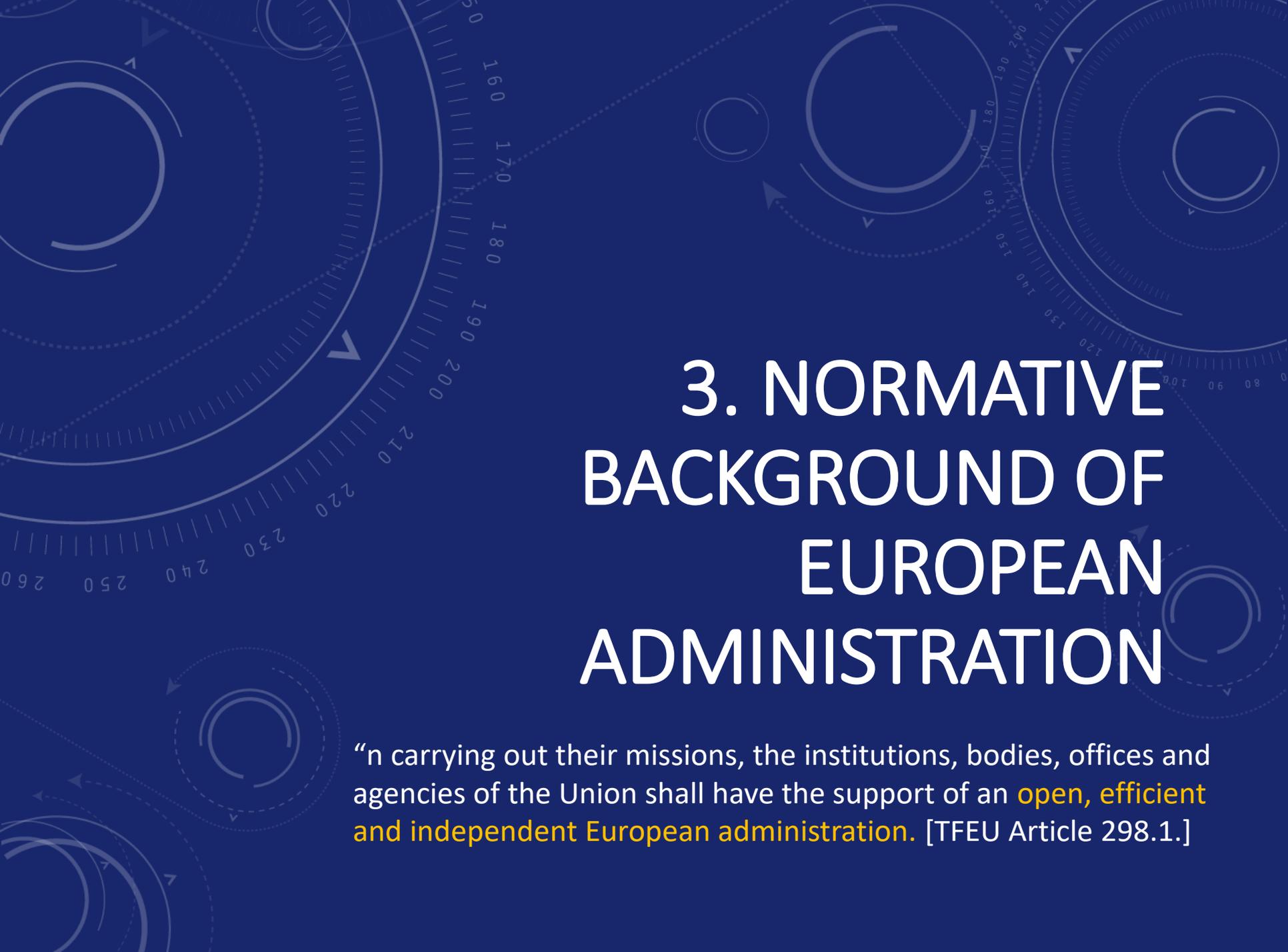
2001

- *Treaty of Nice* - Charter of Fundamental Rights (Art. 41.) – good administration
- *White paper on European governance*

2007

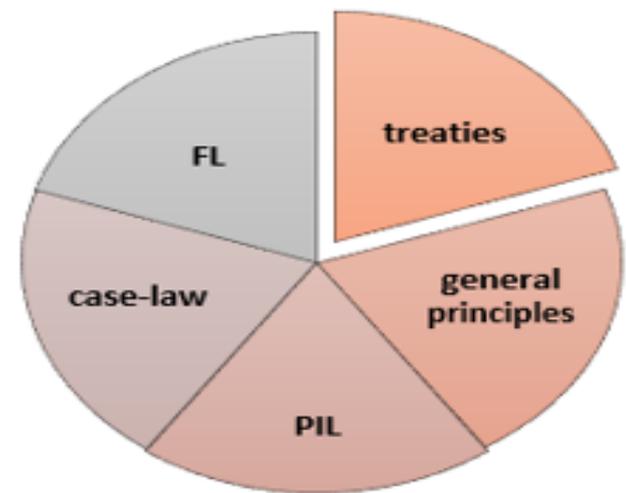
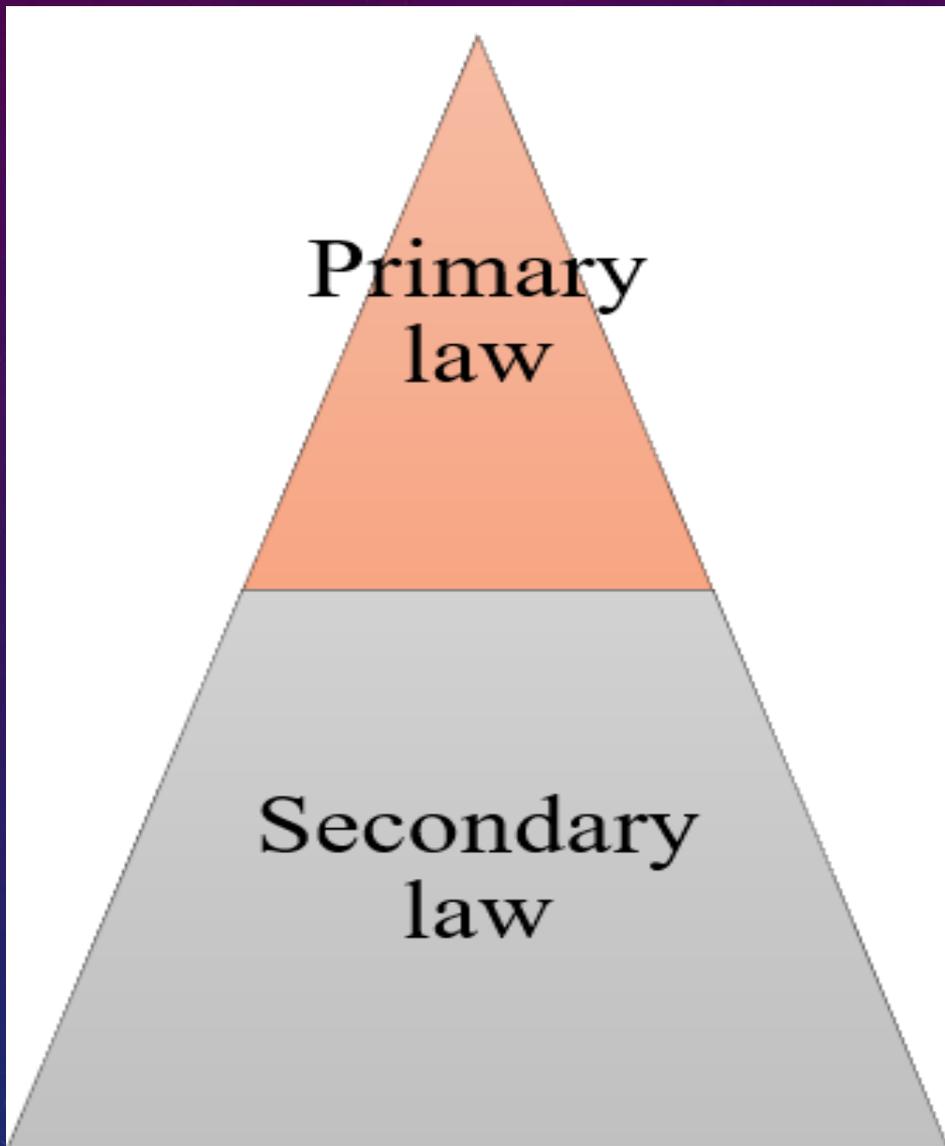
- Treaty of Lisbon

People's Europe

The background is a dark blue gradient with several circular patterns. These include concentric circles, dashed lines, and solid lines, some with arrows indicating a clockwise direction. There are also numerical scales around the circles, with numbers ranging from 0 to 260 in increments of 10. The overall aesthetic is technical and modern.

3. NORMATIVE BACKGROUND OF EUROPEAN ADMINISTRATION

“n carrying out their missions, the institutions, bodies, offices and agencies of the Union shall have the support of an **open, efficient and independent European administration**. [TFEU Article 298.1.]



Legislative acts

Non-legislative acts
(Executive: delegated & implementing acts)

Soft law

PIL – public international law
FL – fundamental rights

Primary law

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graph TD; A[Primary law] --> B[Written]; A --> C[Unwritten]; A --> D["(Public) International law"]; C --> E["Jurisprudence/case-law of CJEU"]; B --> F["✓ Treaty-based general principles => Principle of attributed powers"]; B --> G["✓ Fundamental rights"]; B --> H["✓ Art. 197 TEU"];
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Written

Unwritten

(Public)
International
law

✓ Treaty-based
general principles
=> *Principle of
attributed powers*

✓ Fundamental rights

✓ Art. 197 TEU

Jurisprudence/c
ase-law of
CJEU

Principle of attributed powers

Exclusive competence

customs union;
competition rules
monetary policy
conservation of marine
biological resources

External
competence

Shared competence

internal market;
social policy
economic, social and territorial
cohesion
agriculture and fisheries, excluding
the conservation of marine
biological resources; environment;
consumer protection;
transport;
trans-European networks;
energy;
area of freedom, security and
justice;
common safety concerns in public
health matters

Supporting, coordinate or complementing competence

protection and
improvement of human
health;
industry;
culture;
tourism;
education,
vocational training,
youth and sport;
civil protection;
administrative
cooperation.

EU

**Individual
Member States**

**Sincere
cooperation**

**Subsidiarity &
Proportionality**

**Principle of sincere
(loyal) cooperation**

Executive action

**External
competence**

Practice of powers

- it requires Member States to *refrain from any measure which could jeopardise* the attainment of the Union's objective;
- duty of national administration to *re-open the case if it is necessary* to modify it in order to be in conformity with EU law
- administrative authorities shall exceed their competences under national law and *put aside conflicting national legislation*

Article 197 TFEU on administrative cooperation

Does the EU influence the structure of national administrative system?

"EU may facilitate the exchange of information."

Article 197 TFEU



No
harmonisation
but...

„Effective implementation of EU law is a common interest”

”Requires administrative capacity”

Secondary legal acts of the EU

Art. 288 TFEU

Legal force

Binding

Non-binding

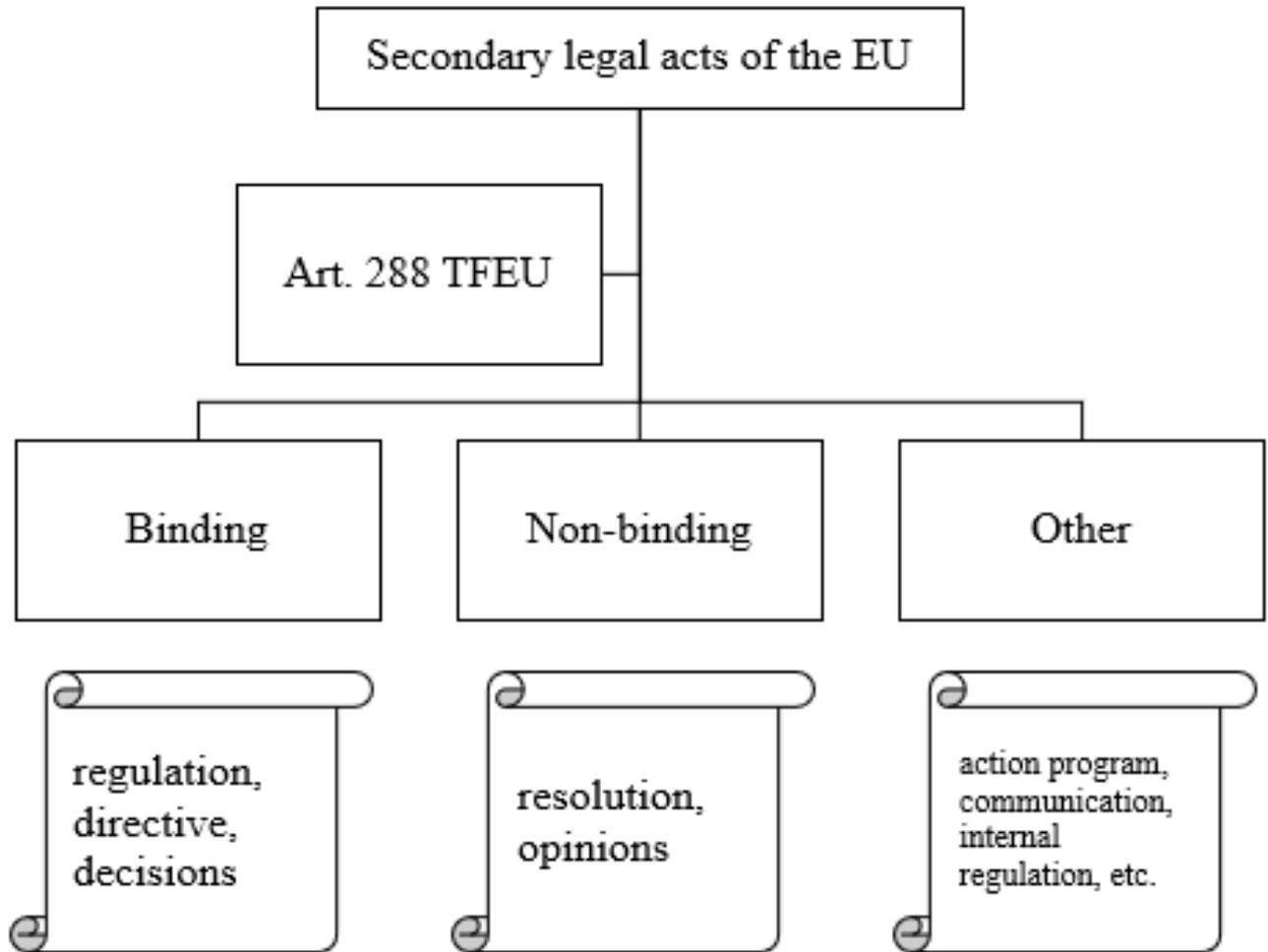
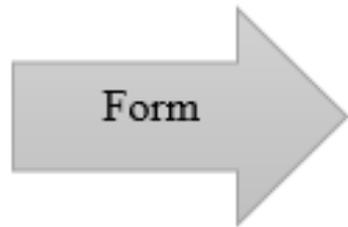
Other

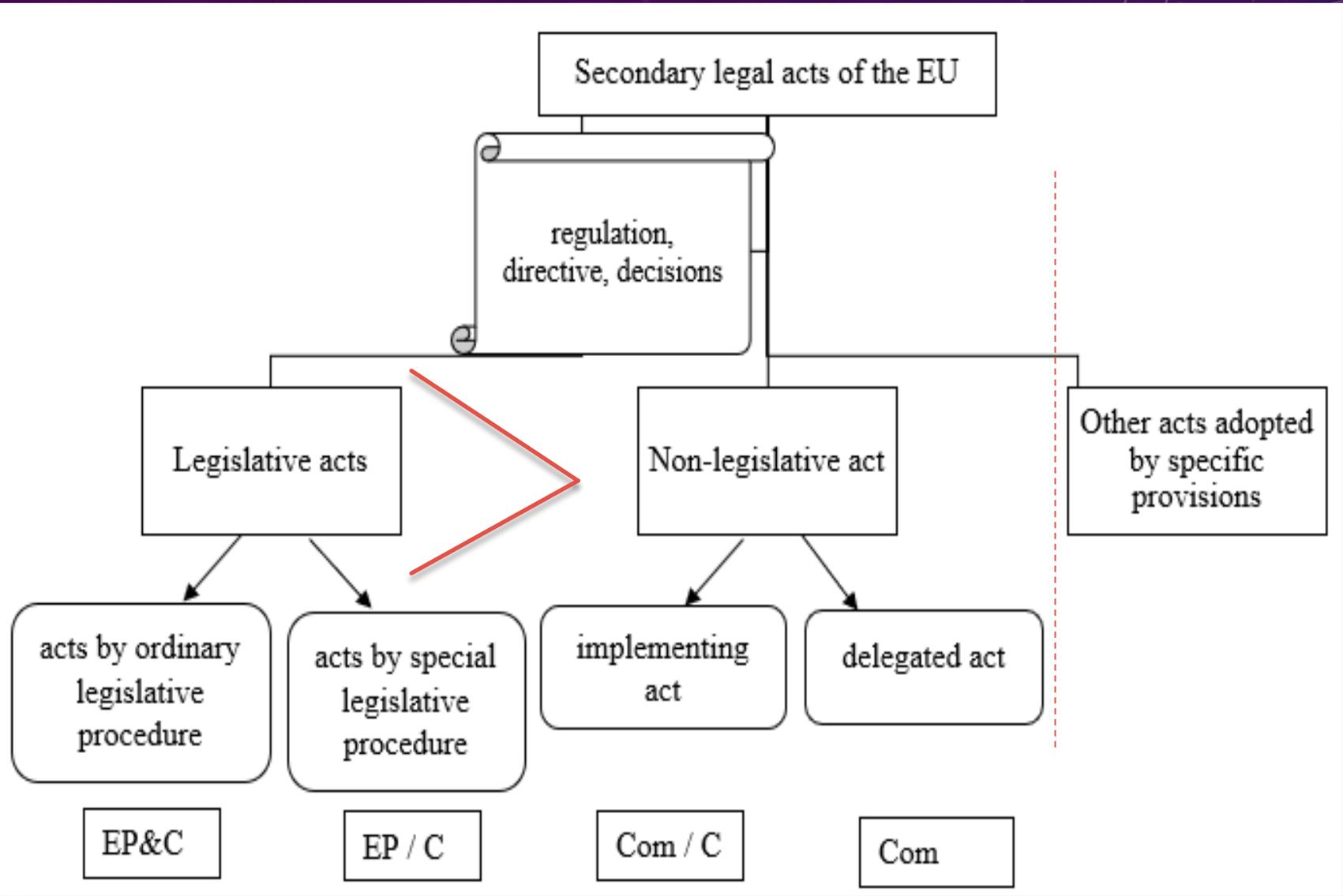
Form

regulation,
directive,
decisions

resolution,
opinions

action program,
communication,
internal
regulation, etc.





Thank you very much for your kind attention!

Next chapter:
The direct level of EU administration

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„Vitam impendere vero”