

Comparative Analysis of the Public Function in the European Union

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Abstract

The European civil service, a remarkably intricate institution in contemporary law, presents a fascinating subject for analysis and holds significant implications for our understanding of public administration. Its complexity, far from being a barrier, is a gateway to a deeper comprehension of its functioning. Analysing the principal regulations regarding public office and civil servants in different states of Europe reveals several similarities and relevant differences, further adding to the intrigue of this study. In Europe, there are two groups of countries where the public function differs. The first group comprises countries with traditional and stable professional civil servants, relatively independent from politics. These countries are some EU member states and others located in the so-called European Economic Area. The second group of countries, the ex-communist ones, face unique challenges. In these countries, there are no apparent distinctions between the apparatus of political parties, the public administration and the idea of the state as an independent reality. The countries in the second category are striving to develop new public service systems, a task that is not without its difficulties, to align themselves with the first group of countries. We aim to uncover an ideal model for regulating public function. This model would ideally ensure a balance between political influence and professional independence, promote meritocracy, and maintain a high level of public trust. We will achieve this by comparing how states establish norms applicable to it, a model that we hope to find in as many European administrative systems as possible through future reforms.

Keywords: *European Union, European civil service, administration, career, reform, administrative systems and public administrations.*

JEL Classification: K23, K33

DOI: <https://doi.org/10.62768/ADJURIS/2024/3/10>

Please cite this article as:

Weber, Florentina-Iuliana, „Comparative Analysis of the Public Function in the European Union”, in Wilson, Paulina E., Marijana Mladenov & Jelena Trajkovska-Hristovska (eds.), *Resilience and Reform: Administrative Law and Public Policy in a Changing World*, ADJURIS – International Academic Publisher, Bucharest, Paris, Calgary, 2024, p. 146-160.

1. Introduction

Given that the European Union is constituted as a conglomerate of

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states², each with different traditions in public office, we can say that these traditions influence different situations and experiences.

This raises the question whether the European civil service can be a European model that all national administrations should adopt, or is it just a carbon copy of a civil service in an EU Member State?

In this paper we set out to conduct an analysis of the civil service in several Member States of the European Union in an attempt to find an ideal model to be applied uniformly, taking into account the fact that national administrations and, implicitly, the civil services in the Member States are increasingly affected by European integration. Informal cooperation between national administrations in civil service matters has reached considerable proportions, and European administrative law is increasingly influenced by the case law of the Court of Justice of the European Union³, especially as the European Union is currently tending to become a federal state.

2. Civil service regulations in the Member States of the European Union

In what follows we will try to present comparisons between the ways in which the Member States intend to establish rules applicable to the civil service and civil servants and to capture the differences and similarities that characterise the administrative systems of these European countries.

The diversity of conditions for access to the civil service is mainly rooted in Member States' education systems and difficulties in comparing their educational standards⁴.

The following analysis is based on information that EU Member States' civil services have sent to EIPA (European Institute of Public Administration). This analysis covers the most recent changes and developments in the Member States' recruitment systems. The selection methods applied in the Member States for the recruitment of civil servants differ considerably, but we can distinguish two broad groups. In some Member States recruitment procedures are formalised, while in others there are no specific rules. In the latter, departments and/or organisations select functionaries by searching for persons that can provide the skills and experience needed for the jobs they will be recruiting, but also by frequently using them in the private area.

² Verginia Vedinas, *Administrative Code Annotated. Novelties. Comparative examination. Note explicative*. 3rd edition, Universul Juridic Publishing House, Bucharest, 2021, p. 60.

³ Florentina Iuliana Weber, Laurenția Georgeta Avram, *Economy and Law of the European Union*, Ed. Economica, Bucharest, 2023, p. 74.

⁴ Mihaela Victorița Cărăușan, *Administrative Law*. Volume 1, Ed. Economica, Bucharest, 2012, p. 369.

2.1. Presentation of the civil service in countries that joined the EU before the fall of communism

The first group of Member States, i.e. the countries that joined the European Union before the fall of communism⁵, brings together the vast majority of countries that generate their civil service following the career system. Under the career system, a civil servant enters the civil service as an entry-level civil servant, at the lowest level of a career for which sufficient knowledge and training are required; the civil servant is promoted according to a regulated system. The official generally has a career until retirement. Several countries organise open competitions on a regular basis. After certain oral and/or written tests, lists of candidates' results and performance are published. The best candidates are recruited from the top of the ranking list until all posts are filled. In the interval between two competitions, vacancies are filled from the reserve lists from recruitment.

2.2. Access to the civil service

Competitions are the most widely used selection method in France, Germany, Ireland, Italy, Luxembourg, Portugal, Spain and Belgium⁶.

In **France**, there are three main types of competitions organised at the level of the State civil service, the territorial civil service and the hospital civil service. The competition organised by the State civil service is an external competition, open to candidates who are not part of the civil service and who meet the minimum age and educational requirements. These competitions are organised for the purpose of recruiting personnel from outside the civil service for career access posts in a particular position. For example, to have access to a category A career, candidates must have a university degree. These competitions are organised every year by the ministry or component departments depending on the level of the vacancy.

The territorial civil service competition is an internal competition organised for the recruitment of staff already employed in the civil service who wish to move into other groups or who wish to obtain a post at a higher level. The internal competition is definitely a tool for internal promotion. It has the reputation of being more accessible than the external competition. In addition, wishing to open up the civil service to civil society, special laws have provided for a new type of entrance examination for admission to certain schools, open to persons

⁵ Florentina Iuliana Weber, *The fundamental objectives of the EU vis-à-vis the directives of the world of communism until 1990*, an article published in the First Edition of the National Conference with international participation of teachers and experts on 'Justice and Management in modern society', May 20–21, 2016, Brasov, Sitech Craiova Publishing House, 2016, p. 122.

⁶ Mihai Dorel Vlad, „Public Service Management in Some States Members of the European Union”, *Scientia Moralitas International Journal of Multidisciplinary Research*, Vol. 6, No. 2, 2021, p. 67-77, DOI: 10.5281/zenodo.5804954.

who can demonstrate their ability to work in the private sector or to serve as an elected member of a local or regional authority assembly. Competition within the civil service of the state or hospital civil service gives the right to a job and the status of civil servants. On the other hand, the competition within the territorial civil service does not give the right to a job. It only gives you the opportunity to apply for positions offered by the local administration. Two years after the competition, the candidate loses the right to apply for vacant positions in the public administration.

In Greece, recognition is carried out on a competitive basis, possibly using priority lists established on the basis of objective criteria laid down by law. The management of the system is entrusted to a central and independent administrative authority, the Staff Selection Committee. Competitive recruitment applies to administrators. The Staff Selection Committee constitutes a central selection board which allocates vacant posts; this board may be assisted by decentralised selection boards. The marks obtained in the competition may be increased on the basis of social, regional or merit criteria. Candidates are appointed on the basis of their final marks and their desire for the posts they have applied for. Priority lists are drawn up on the basis of merit criteria or social circumstances. Directors are recruited through a competitive examination at the National School of Public Administration, which is open to university professors, graduates in technical fields or civil servants in the public service. This training entitles the holder to a grade and four additional pay scales.

In Ireland, organised by the Civil Service Commission for posts below middle management level in the general administrative structure. For some levels a higher level of knowledge is required and the competition generally consists of written tests and an interview. Candidates are called for the post as and when it becomes vacant and according to the ranking established after the competition. All below-medium level posts are not awarded by open competition. Nearly 50% of the posts at the lower level are filled internally through promotions. Intellectual and technical posts – sometimes up to a higher level – are equally awarded by open competition. Contrary to what happens in France, no reserve list is kept in order to be able to re-recruit old candidates in case additional posts are required.

Italy has abolished the system of job classification levels previously used in the civil service and introduced a new system with nine levels of civil servant competencies and two levels of senior management. Candidates must take part in a competition for all posts above the fourth level. In Italy, there are different types of competition. For the lower levels, the exam consists of two tests, one written and one oral, which allow for the establishment of shortlists as in France. The main aim is to recruit the best candidates and then keep a reserve list. Higher-level posts requiring a high level of training can sometimes be filled by an assessment of abilities alone or a combination of these two selection methods. Capability assessment consists of a comparison of qualifications obtained in the required

course of schooling and, possibly, an assessment of previous work and professional experience. There is a special competition for posts which begin with a pedagogical training with an examination for the probationary official.

In **Luxembourg**, the competitive examination is the most widely used method for selecting those who will be admitted to begin their training and probationary period, which is also a prerequisite for the National School of Administration.

Portugal also organises internal and external competitions. Staff are selected on the basis of test results, except for high-level posts.

In **Spain**, there are three types of competitions. The general method of recruitment is *oposicion*, a written competition. *Concurso - oposicion* is a combination of tests consisting of a test of abilities through the evaluation of diplomas. A stand-alone competition is used only in exceptional cases.

Austria and Germany do not organise competitions like those described above, but they have different access criteria. In **Austria**, the law on the advertisement of vacancies distinguishes four admission procedures: aptitude tests, accelerated procedures, interviews and evaluation of candidates. An independent committee formulates a specialised case on which the decision-making process is based. In consultation with the other ministries, the Department of Human Resources Development and the Federal Ministry of Finance develop appropriate tests and help the recruitment services to develop recruitment procedures, objectives and improvements. The criteria that must be met to fill a vacancy are notified publicly and in a precise manner so that interested persons can apply and be admitted to the recruitment competition.

In **Germany**, the basic criteria for a career of a certain level are laid down by law. The other criteria are set by the Bund or by the Länder and departments, depending on the specific requirements of the publicly advertised vacancies (*Stellenausschreibung*). Selection criteria are skills, knowledge and previous experience. German selection methods are considerably decentralised. One group includes Member States that do not apply to the career system. Throughout the reforms, Member States in this group have moved to open recruitment. The essential principle is that officials are recruited for a specific post rather than for a specific career. To be recruited, candidates must meet the conditions set by the relevant department and/or agency. In this case, the specific skills required for a post are more important than a diploma required for a specific career, as is the case in countries applying the career system. The important difference with other groups is that in this case there are not universally applicable formal procedures. In fact, selection methods are comparable to those in the private sector. The law specifies training criteria only for certain positions with a high level of responsibility or for civil service positions exercised under a career system.

In **Denmark and the Netherlands**, the department and/or agency concerned shall provide a specific job description and shall allege the selection meth-

ods applicable according to the importance of the post and the tasks to be performed.

In the **Netherlands**, recruitment is often carried out through assessments. The first step in the recruitment procedure is to implement the selection process within your own organisation.

In **Sweden**, selection criteria are stipulated by the Constitution and the Civil Service Employment Act. Within this framework, staff are recruited in the same way as in the private sector. Different selection methods are generally applied in interviews.

In **Finland**, recruitment decisions are often based on the assessment of external consultants, and administrations organise complementary interviews.

2.2.1. Accessibility of published information

In **Austria**, the federal ministry has implemented a central information counter on vacancies in the civil service. It serves for the exchange of information on federal staff who wish to exchange positions. At the same time, the Civil Service Job Exchange, a joint website to support all ministries in their recruitment efforts – www.jobboerse.gv.at – has been set up and allows candidates to apply directly online.

In **Finland and Sweden**, there is no single, agreed method for informing interested staff. The advertisement must be made by means adopted at vacancy levels. The relevant department and/or agency is free to choose the method it will apply, but it must ensure that as many qualified persons as possible are informed of the posts and receive sufficient information to make a notable application.

In **other Member States**, the advertisement must be published at least in the Official Journal and inserted in the job advertisements section of newspapers and specialised magazines.

In **Greece**, the public notice, which until recently only summarised the applicable conditions, is now much more detailed.

In **France**, a provisional calendar is published in December of the previous year to inform the public about upcoming competitions. The definitive dates are published in the Official Journal. We can also be informed by Minitel or through the services of the Ministry of the Civil Service.

In **Germany**, posts accessible only through internal promotion is advertised publicly within administrations.

In **France**, these vacancies are not the subject of a public notice, but of reforms planned to make the process more transparent.

In **Belgium**, the Official Gazette in which a short description of vacancies appears is called the Belgian Monitor. The list of vacancies notices clearly describing the type of post is updated via the SELOR website, the Belgian selection and guidance body for all federal, regional and community civil service posts.

2.2.2. Qualifications and conditions for access to the civil service

In all Member States, specific conditions stem from the skills required to enter the civil service as a civil servant. Some Member States require certain diplomas or a specific educational background for the different levels of employment. Among other things, the requirements cover **language skills, knowledge of civil rights, military obligations, age limit**. In some Member States, knowledge of the language of the employing state is a legal imperative. However, it is, in fact, required to enable the official to perform his/her duties.

In **Austria**, language requirements require sufficient knowledge of German.

In **Belgium**, the language criteria to be met for civil service posts must be designed in accordance with the general legislation on the use of foreign languages. Language knowledge is tested using computer-based methods. The ATLAS program tests all aspects of language skills and the test can be completed by an oral or written examination.

Finland has two official administrative languages, Finnish and Swedish. Applicants for posts requiring a university degree should generally have a good knowledge of both languages. In departments and agencies located in unilingual districts, candidates must have a command of the official language and demonstrate an understanding of other languages.

In **Greece**, knowledge of certain languages is required for certain positions, especially in the scientific field.

In **Ireland**, there is no language requirement for a civil service post, except where knowledge of Welsh is required.

Luxembourg also has official languages which must be mastered. In exceptional cases, only one of these languages is sufficient.

For posts requiring participation in the exercise of public authority, Member States may impose a **nationality criterion**.

Almost all Member States set minimum and maximum **age limits** for access to the civil service, except the Netherlands, Sweden and Ireland. In Belgium, the maximum age limit is generally 60, but ministries may set minimum age limits for access to competition or different maximum age limits for certain posts.

In Austria, Denmark, Finland, Germany, Italy, Portugal and Spain, the minimum age is eighteen years, with certain exceptions. In Luxembourg there are different minimum age criteria for each competition for the upper career, the age limit is 25 years as opposed to 21 for the middle career and 19 years for the lower career. In Denmark, this minimum age criterion is 20 years for direct access to the civil service without a probation and training period. In Austria, the maximum age is 40, there is no maximum age limit in Denmark and Finland, it is 41 and 46 in Italy, depending on the candidate's family situation, and 40 in Luxembourg. In Germany, in principle, there is no age limit, except for the preparatory services where it is set at 30. In Sweden, the law or regulations may stipulate minimum

age requirements. In France, for a category A competition, the age limit varies between 27 and 45.

An applicant may already have some **work experience** in the public or private sector in the Member State where he/she is applying or in other Member States. Thus, three cases arise where it is important to know whether this practical experience is taken into account. Previous professional experience may have a favourable influence on the recruitment decision, seniority grading and eligibility for promotion. In all Member States, some professional experience is one of the criteria for selecting staff, even if this experience is likely to enhance the applicant's ability to meet the requirements of the post. In Portugal, the Netherlands and Sweden, professional experience is a much more important factor as no minimum training requirement is set for a certain level.

This applies to recruitment procedures relating to career access posts, and to recruitment throughout the recruitment process. In Portugal, teaching practical experience is a condition for recruitment. In Austria a required experience in the civil service in another Member State may be a specific recruitment criterion for a particular post. Periods of employment in the private sector are recognised and are increasingly limited by law. In Germany the length of service in another Member State may be taken into account in determining the initial grade, with the approval of the Federal Committee on Personnel Matters or the Land Committee on Personnel Matters. The period of employment in the private sector is not taken into account. In the current debate on the reform of civil service structures in Germany, it is proposed to recognise professional experience in all Member States and EFTA. In Italy and Spain, previous periods of employment are evaluated during the capability assessment procedures. In Greece, the administration may take into account candidates' professional experience in certain specialisations. In Luxembourg, half of the time spent outside the civil service is added to seniority.

2.2.3. Career development

Career development means vertical promotion, salary progression and horizontal geographical mobility.

As far as internal promotion is concerned, Member States can be divided into two groups, depending on how they practise the career system or the system of different structural features. Member states belonging to the first group have well-defined promotion systems in place in which the official is promoted on the basis of fixed conditions and regular salary increases. In this system, career development is dealt with extensively. In Finland, the Netherlands and Sweden, which have a system with structurally different characteristics, career advancement are not organised according to a fixed system.

In Austria, there are nine pay groups with seven groups each. In the em-

ployment category system, there is a possibility of promotion within the categories from one level to the next higher level after a waiting period and according to performance. In the promotion system, which is applied in parallel, advancement from one grade to another occurs only once every two years.

In Belgium, there are five levels of employment involving 13 ranks. Promotion is by advancement, either from one rank to the next higher rank at the same level, or from one level to the next higher level. Career advancement by promotion to a higher level is possible only by means of entrance examinations. Promotion in grade is conditional on passing the examination. In France, promotion is governed by the general and special statutes of the civil service. Promotion is based on seniority but also on merit. Officials seeking promotion must take part in a competition or an internal selection procedure. Among other things, promotion from a higher level or grade may be based on results, seniority or performance.

In Germany, posts for promotion are generally advertised internally. Promotion is granted on the basis of job performance and available budget posts. The official is always promoted to the next higher career grade, which comprises an access grade, a promotion grade and a higher grade. In general, the official remains in one of the four categories – Einfacher, Mittlerer, Gehobener or Höherer Dienst – but there is also the possibility of moving up to a career in the higher categories.

This requires officials to follow a specific additional course or training and participate in a regulated promotion procedure.⁷

In Greece, advancement to a higher grade depends on performance, seniority conditions and the civil servant's evaluation. The decision is taken by a ministerial commission. This committee selects the junior managers and heads of directorates. A special ministerial commission chooses heads of directorates general from among university candidates who already have experience as heads of directorates.

There is no regulated promotion system in Ireland, but seniority is one of the criteria taken into account. In terms of promotion within departments, it can be said that internal promotion systems vary from one department to another and that a procedure may be aimed at the direct assessment of eligible staff within departments or a formal competition to bring together groups of qualified candidates. This inter-ministerial competition is organised to ensure promotion to a certain number of posts, up to the principal level. Almost all vacancies at senior management level are advertised throughout the civil service and are filled by internal competition.

The increased influence of the European dimension is another key element. This influence is particularly noticeable in the area of European exchange

⁷ Gheorghe T. Zaharia, Odette Budeanu Zaharia, Tudor I. Budeanu, Tudor Alexandru Chiuariu, *Tratat de drept administrativ român*, Ed. Junimea, Iași, 2014, p. 45.

programs for civil servants from Member States. However, it should be noted that in two of the new Member States, Austria and Finland, mobility in relation to other EU Member States and other European institutions is very rare. Moreover, EU accession is placing high demands on public administration, and other public services are playing an increasingly decisive role in the choice of operators in the economy when deciding where to locate their activities. The two contingent factors that shape the ability of staff to reconcile the public and private aspects of their work are also crucial: the degree of fiscal austerity and the space for reflective practice⁸.

All major **forms of mobility** can be observed in various public functions. But often a distinction is made between voluntary and compulsory mobility. In general, mobility is encouraged for the following reasons: from the point of view of the administration, mobility is a means of increasing the flexibility of the functioning of the ministry, office or agency; from the point of view of the civil servant, mobility allows familiarisation with other working methods, the development of new skills, the broadening of horizons, professional advancement.

In terms of the various legal bases for mobility, a distinction can be made between temporary mobility and permanent transfer: in the case of temporary change, France and Germany have developed a number of instruments to promote flexibility in human resources management. In the Netherlands, various tools have been designed and implemented to promote temporary mobility. Examples are project teams, groups of officials who are assigned for a short period to special projects. These officials then return to their posts; structural collaboration with interim working agencies; cooperation agreements between ministries to exchange specially qualified or redundant staff. In terms of permanent redeployment, Ireland has developed an interesting instrument. For appointment to a higher grade, candidates are selected on a competitive basis. Grades are identical in all ministries, which allows inter-ministerial mobility.

Italy has come up with a noteworthy solution for re-staffing following restructuring. Italian civil servants have the possibility to apply at their discretion for civil service vacancies which are published on a list. These officials are transferred on the basis of a list drawn up by the host administration. In the case of officials who have been dismissed and who have not applied for a change, they are reclassified by the civil service on the basis of a list of the posts remaining despite voluntary mobility. In the Netherlands, mobility centres have been set up to help redundant staff find jobs elsewhere. In Belgium, Finland, France, Luxembourg, Spain, Spain, transfer possibilities are generally limited and often an exchange is only possible for a short period. In Finland, a staff rotation system has been introduced which allows civil servants to occupy different posts for 6 or 12 months without changing employer. More recently, Austria and Germany have

⁸ Catherine Needham, Catherine Mangan, „The 21st century public servant: working at three boundaries of public and private”, *Public Money & Management*, Volume 36, Issue 4, 2016, p. 265–272, <https://doi.org/10.1080/09540962.2016.1162592>.

started to promote the mobility of civil servants within career paths between different departments.

In France, the various forms of mobility of civil servants are seen as a tool enabling the administration to adopt its new career systems. However, transfers are mainly on request, in the interests of the civil servant. Geographical mobility can take the form of transfers, this form of mobility concerns almost 3% of civil servants each year. In terms of functional mobility, there are various possibilities: secondment, whereby an official can serve for three years in a State administration, a public institution, an institution or body providing services of general interest or an international organisation, while continuing to receive the remuneration corresponding to the previous post; secondment, whereby officials can serve in central government agencies, public institutions and public undertakings, local or regional authorities, international organisations, and private undertakings, institutions or associations providing general services. These legal entities pay their officials, but they retain their rights of advancement and promotion in their home administration.

Spain authorises transfers if the official's request is linked to a specific appraisal or competition or if it is linked to a nomination of the most senior officials. There is an involuntary transfer if the official's former post has been abolished following the restructuring. Ex-officio transfers to an international organisation or for specific tasks are carried out on a temporary basis, while permanent transfers to another department take place with the consent of the official. In Denmark, Ireland, Italy, the Netherlands and Portugal, Sweden and the United Kingdom, geographical or professional mobility with or without a change of employer is frequent and easily achievable. In this group of countries, the options for mobility are numerous⁹. The transfer from one department to another is common. In Denmark, the liberal or multilateral system of exchange has been introduced between various ministries, institutions, etc., in some cases between the public and private sectors. In Ireland, civil servants may, in terms of service regulations, be obliged to take up their posts anywhere in the country, but in practice active staff, for general grades of service, are not obliged to change their posts. At middle management level, mobility can take any form. When recruiting university trainees, civil servants with the grade of administrative officers have to move to another ministry every year for a period of three years after taking up their civil service.

In Italy, all forms of mobility are possible, either at the request of the civil servant or ex officio through the *Dipartimento della funzione pubblica*. As part of the structural reform of the civil service, the Netherlands has started to promote the mobility of civil servants. For senior posts, a change of posts and spheres of responsibility is one of the conditions for promotion. In Portugal, civil servants

⁹ Ani Matei and Florin Popa, *Instruments for Promotion and Assurance of Public Integrity*, Munich Personal RePEc Archive, MPRA Paper No. 18677, posted 17 Nov 2009, https://mpra.ub.uni-muenchen.de/18677/1/MPRA_paper_18677.pdf, p. 6 et seq.

can be transferred by default, but there are many ways to take into account their interest and desire for mobility.

In Sweden, there is no stipulated decision on mobility, but in general it is widely practised according to guidelines set by the responsible departments, agencies, and job mobility is supported and encouraged by the Swedish civil service pay system, where salaries are determined on a case-by-case basis. Mobility between different segments of the labour market is desirable, which explains why work experience gained in the private sector is given as much value as that gained in the civil service.

2.3. The size of the civil service in Central and Eastern European countries

Many Eastern and Central European countries have enacted civil service laws, and others are preparing draft laws – it is widely recognised that a permanent and stable civil service is necessary for the performance of state functions. Few who draw on European cultures find this assumption challenging. At the same time, a number of complex problems arise when attempting to translate this assumption into legal provisions relating to the civil service. In these countries the main effort is to construct a new civil service by destroying old concepts.

In Eastern Europe it is now accepted that every government should have a permanent public administration to implement its policies. The public administration must be permanent in order to promote and maintain the institutional knowledge and professionalism necessary to carry out complex policies and law enforcement in modern societies. As the main component of public administration is personnel, defining the size of the civil service becomes the sore point of the problem. An important challenge is therefore to decide on the size of the civil service needed to execute government policies, exercise public authority¹⁰ and manage public funds without promoting costly public administration.

In Latvia, the Law on State Civil Service was adopted in September 2001 and entered into force on January 1, 2001, which contains the narrow concept of the notion of civil service. Civil service is divided into two categories: general civil service and specialised civil service. The general civil service comprises those functions located within the State Chancellery, ministries and public institutions subordinated to ministries or within the administration which develop strategies or policies, coordinate sectoral activities, allocate or control financial resources, draft laws, control the implementation of legislation, issue administrative acts, draft laws, control the implementation of legislation, issue administrative acts, draft or adopt decisions concerning the rights of individuals. Specialised

¹⁰ Ioan Alexandru, *Public Administration Treatise*, Universul Juridic Publishing House, Bucharest, 2019, p. 510.

civil service includes those functions within the Diplomatic and Consular services, police, public security, penitentiary, fire and rescue units.

In Lithuania, the Civil Service Law, adopted in July 1999, distinguishes between civil servants, civil servants with special status and public employees. Civil servants are those who in the institutions or agencies of the central and local public administration exercise the functions of public administration in accordance with the legislation. These functions relate to the executive activity, the issuing of administrative acts and the administration of public services. Civil servants are those employed in central or local institutions or agencies and provide services to the public and perform auxiliary functions.

In Poland, the Civil Service Act of December 1998 distinguishes between civil servants and officials. Civil servants are those appointed to a public office by following the procedures laid down by law. Civil servants are those employed under an employment contract based on the principles laid down by the Civil Service Act. Civil servants are in the chancellery of the Prime Minister, the offices of ministers and chairpersons of committees that are members of the Council of Ministers and offices of central government administration agencies; offices of prefects and other offices that constitute structures of local government administration agencies subordinated to ministers or central government administration; the governmental centre for strategic studies, headquarters and inspection offices and other organisational units composing structures in support of the heads of general services in prefectures, guard and inspection units and in support of the heads of regional, guard or inspection services, unless otherwise provided. The Foreign Service is regulated by another law.

In Bulgaria, the 1999 Civil Servants Act defines a civil servant as a person who holds a paid public office within the administration and to whom a special law grants a special status of civil servants obliged to comply with the provisions of this law. The Council of Ministers is responsible for adopting the National Register of Civil Servants. The law excludes from the civil service those functions which are politically appointed to the offices of dignitaries and those of a technical nature.

In Romania, the 1999 Civil Servants Act gives a broad dimension to the civil service by designating as civil servants those who are appointed to a permanent public office at central, county, municipal or communal level. Civil servants are those who perform public duties.

In Slovenia a draft civil service law has been in preparation for a long time. One of the obstacles in getting the draft approved by the government was that it proposed too broad a civil service. Work is now continuing on a new draft with a narrower civil service.

In Croatia there are four categories of civil servants employed in central and local government whose status is regulated separately by special laws. These are: (1) civil servants in state administration (ministries and other agencies), (2) local civil servants serving in central and county basic bodies, (3) civil servants

employed in centrally funded public service institutions and (4) civil servants serving in locally funded service institutions (kindergartens, schools, libraries, museums, etc.).

The status of the first category is regulated by the Civil Servants Act of 2005. The next three categories, employees of institutions financed from the local budget, are regulated by the Law on Civil Servants and Employees of Regional and Local Institutions of 2008.

3. Conclusions

The reforms within the civil service systems are in a constant state of flux, adapting to the realities of the administrative process, to the transformations brought about by the phenomena of Europeanisation and globalisation¹¹. The result of these transformations is the emergence of new civil service models.

But these changes are closely linked to the political class and aim to create a positive image for it. The real changes are very difficult and require a longer period of preparation, which is closely linked to the political risk, because the decisive role belongs to culture, which has a significant influence on the functioning of public administration. Cultural norms have been formed over many decades, perhaps even centuries, in most European countries. Every attempt at reform that does not take into account historical and cultural conditioning is doomed to failure. The quality, capacity and values of civil servants are important factors influencing government administration and the government's competitive advantage¹².

There are currently two groups of countries in Europe where the situations are different. The first group is made up of countries with stable traditions of professional civil services that are relatively independent of politics. These countries are some EU Member States and other countries located in the so-called European Economic Area. The second group of countries are the former communist countries, where there are no apparent distinctions between the political party apparatus, public administration and the idea of the state as an independent reality. In recent years, it has been observed that these countries are also making efforts to create civil service systems in order to approximate to the first group of states. However, the analysis also shows that there are also commonalities between the two groups, especially with regard to the responsibilities of the state in a changing world.

¹¹ Florentina Iuliana Weber, *Elemente de drept comunitar*, Ed. Paralela 45, Pitești, 2007, p. 22.

¹² Hui-Yan Zhang, Run-Tian Jing, Yu-Han Zhang, Ting Li, *Improving the civil servant training system to enhance the quality of civil servants*. Proceedings of the 2007 International Conference on public administration (ICPA 3rd), Vol. II, Edited by Xiao-Ning Zhu, Shu-Rong Zhao, 2007, pp. 928–933.

Bibliography

1. Alexandru, Ioan, *Public Administration Treatise*, Universul Juridic Publishing House, Bucharest, 2019.
2. Cărăușan, Mihaela Victorița, *Administrative Law*. Volume 1, Ed. Economica, Bucharest, 2012.
3. Matei, Ani and Florin Popa, *Instruments for Promotion and Assurance of Public Integrity*, Munich Personal RePEc Archive, MPRA Paper No. 18677, posted 17 Nov 2009, https://mpra.ub.uni-muenchen.de/18677/1/MPRA_paper_18677.pdf.
4. Needham, Catherine & Catherine Mangan, „The 21st century public servant: working at three boundaries of public and private”, *Public Money & Management*, Volume 36, Issue 4, 2016, p. 265–272, <https://doi.org/10.1080/09540962.2016.1162592>.
5. Vedinaș, Verginia, *Administrative Code Annotated. Novelties. Comparative examination. Note explicative*. 3rd edition, Universul Juridic Publishing House, Bucharest, 2021.
6. Vlad, Mihai Dorel, „Public Service Management in Some States Members of the European Union”, *Scientia Moralitas International Journal of Multidisciplinary Research*, Vol. 6, No. 2, 2021, p. 67-77, DOI: 10.5281/zenodo. 5804954.
7. Weber, Florentina Iuliana & Laurenția Georgeta Avram, *Economy and Law of the European Union*, Ed. Economica, Bucharest, 2023.
8. Weber, Florentina Iuliana, *Elemente de drept comunitar*, Ed. Paralela 45, Pitești, 2007.
9. Weber, Florentina Iuliana, *The fundamental objectives of the EU vis-à-vis the directives of the world of communism until 1990*, an article published in the First Edition of the National Conference with international participation of teachers and experts on ‘Justice and Management in modern society’, May 20–21, 2016, Brasov, Sitech Craiova Publishing House, 2016.
10. Zaharia, Gheorghe T., Odette Budeanu Zaharia, Tudor I. Budeanu & Tudor Alexandru Chiuariu, *Tratat de drept administrativ român*, Ed. Junimea, Iași, 2014.
11. Zhang, Hui-Yan, Run-Tian Jing, Yu-Han Zhang & Ting Li, *Improving the civil servant training system to enhance the quality of civil servants*. Proceedings of the 2007 International Conference on public administration (ICPA 3rd), Vol. II, Edited by Xiao-Ning Zhu, Shu-Rong Zhao, 2007, pp. 928–933.