THE EUROPEAN ADMINISTRATIVE SPACE (EAS) *

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The relationship between the EU institutions and the authorities of the Member States is very complex. Nowadays this relationship works in one special space, similarly to that of the European Economic Area, which is called in the legal literature as the European Administrative Space (hereinafter referred to as ‘the EAS’). This paper deals with the EAS’s history, its characteristics, its future, and tries to give the best definition of EAS.

1. Definition of the European Administrative Space

The European integration achieved in the last six decades of has brought round a kind of integration and approximation of the national administrations of the Member States. This convergence was realized mainly in the aspect of functionality and value orientation. This is because the essence of the EU law is the effective cooperation. It is no longer controversial that we cannot speak only about European (EU) law, European environmental law, European competition law etc. but also about the European public administration and European administrative law.1

On the one hand this cooperation is realized between the EU institutions and the Member States and, on the other hand, between the Member States’ administrative authorities having the same functions.2 The Union cooperation carried out for many decades has undoubtedly created a European administrative culture and unified values which is considered as part of the acquis communautaire by many authors.

Theoretically speaking, the EAS is a harmonized synthesis of values realized by the EU institutions and the Member States’ administrative authorities through creating and applying the EU law. (Czuczai, 1999) We can say that the EAS is a special part of the acquis communautaire. Actually, the EAS is a metaphor with practical consequences for the future Member States. These states have to take into consideration the administrative principles. If these states do not take into account and do not apply these principles they will not able to fulfill the requirements of the acquis communautaire. Those principles are established by the Court of Justice of the European Union and are set out of the legal systems of the Member States and thus, these principles are generally applicable. (Józsa,

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* It was translated by Balázs Szabó. Lector in English: Rita Rácz.
1 For example: Jürgen Schwarze, Eberhard Schmidt-Assmann, Sabino Cassese, Czuczai Jenő, Balázs István
If the candidate states for the EU membership do not fulfill the requirements of the *acquis communautaire* in the field of the administrative system they will not be able to join the EU.

Indeed, at the present we cannot find the administrative law as a branch of law of the *acquis communautaire* and the EU does not have own administrative authorities established in the Member States. However, it is very important that it does not mean that the EU did not lay down requirements and expectations in the last decades concerning the Member States’ administrative bodies, procedures and staffs. These requirements and expectations can be called as unified administrative principles and values since they determine to a large extent the organizational and functional principles of the evolving European Administrative Space and which constitute an important guarantee of the effectiveness of EU law.

It is clear that the concept of the EAS determined above has changed a lot in the past sixty years; nowadays it has a broader definition, because we are beyond the biggest enlargement of the EU. This enlargement was the so-called Eastern enlargement when 10 new Member States joined the EU in 2004. Thus, today the EAS is more than a condition for the membership, however there is no doubt that it is also a condition thereof since there are still candidate countries (e.g. Turkey, Serbia etc.). It is important to see that the integration is not a status but rather a developing process. Obviously the level of the administrative convergence was different during the Southern enlargement (in 1981 when Greece and in 1986 when Spain and Portugal joined) and the enlargement of 1995 (Austria, Sweden, Finland) than in the Eastern enlargement of 2004 and 2007. The candidate states have to strive to reach the general level of the EU Member State’s administration in the future. The base of the comparison must be the candidate state’s level of administration and the average of the Member States’ administration. (OECD SIGMA Paper No. 27.)

The EAS is still a synthesis of values which characterize, in a general manner, the complex relationship between the administration system of the EU and that of the Member States. However, the level of convergence has significantly risen since the effective enforcement of EU law requires that. Nowadays the EAS does not mean 27 different, fragmented administrative systems. This is a space, where the authorities of the EU and that of the Member States cooperate loyally and ensure together the application of EU law. Or as another author describes ‘... in the functional sense, the EU administration can be characterized as the separation of powers of co-operation, and the subordination of different levels.’ There is no doubt, that today we can talk about the European public administration and the European administrative law.

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2. The development of the European Administrative System

The EU took a major step to create the EAS with the researches carried out in the European Institute of Public Administration (EIPA – Maastricht) and in the European University Institute in Florence, with the establishment of the Copenhagen criteria (1997) and with the adoption of the Treaty of Amsterdam (1997). The Council of Europe (Strasbourg) and the OECD (headquarters in Paris, France) with its SIGMA Programme had an important role in the development of the EAS. From the adoption of the Treaty of Amsterdam the EAS has been outlining strongly.

The European Institute of Public Administration was founded in 1981. Its task was to analyze the relationship between the institutions of the European Communities and that of the Member States in the field of public administration. In the legislation of the Community the directives were getting more important. Directives are binding upon the Member States as to the result to be achieved but leave it to the respective national authorities to decide how the Community objective set out in the directive is to be transposed into their national legal systems by a specified date. Famous professors were working together in the Institute and in the other European institute established in Florence, where they were researching in the field of administration with empirical methods. That time Professor Jürgen Schwarze wrote his famous, still determining monograph about the European administration law. (Schwarze, 1988)

The Copenhagen Criteria was laid down by the Heads of State or Government of the Member States in June 1993. In this document we can find the rules that define whether a country is eligible to join the European Union. The Criteria require that a state (a) has democratic institutions which guarantee the human rights and ensure the protection of the minorities, (b) has a functioning market economy, (c) and is capable of fulfilling the obligations deriving from the EU membership (i.e. the transposition and application of the acquis communautaire, including the Economic and Monetary Union and the political Union). When the members laid down the criteria, they fulfilled the requirements thereof, so at the end of the day the fulfillment of those criteria on behalf of the new Member States means that they join the EAS.

SIGMA was initially launched in 1992 by the OECD and the European Commission’s Phare Programme to support six Central and Eastern European countries in their public administration reforms. In parallel with the expansion of the Stabilization and Association Process, SIGMA support has subsequently been extended to other countries, including all the ten countries which joined in 2004 and those two countries which joined in 2007 the EU. Its main task was to help those countries to expand their capacity of administration. The EU itself, through the European Commission, joined the SIGMA in 1999 since its Phare programme has the same aim as that of the SIGMA. In the framework of the SIGMA the EU and the OECD together formulated several different recommendations to help those states in preparing for joining the EU and with the appropriate enforcement of EU law. Two of the recommendations are important for us. The first is about preparing the national administrations for the EAS, and the second is about the principles of the European administrations. (See more at: OECD SIGMA/PUMA: Preparing Public Administrations for the European Administrative Space. SIGMA Paper No. 23. 1998. AND: OECD
SIGMA/PUMA: European Principles for Public Administration. SIGMA Paper No. 27. 1999.)

1. The EU institutions cannot be substituted with national institutions, but they are obliged to cooperate.
2. National administrations are responsible for the implementation and execution of the EU’s decisions.
3. National administrations have to be reliable, transparent and have to function in a democratic way. Despite the fact that the EU has no direct power over Member States’ administrations, it exercises a strong influence on them. The expression of the so-called result obligation describes it best. The national administration must be reliable, transparent and democratic. We believe that these principles do not require a more detailed explanation.

The second document, which is about the principles of European administration, states that there are principles which have to be enforced by the Member States in order to ensure the application of EU law. This is also an obligatory requirement for the candidate states and they have to make reforms to ensure that. Those principles were defined by the European Court as basic principles which have to be enforced in all the Member States. Namely, those principles are: the principle of legality, the principle of proportionality, the principle of legal certainty, the principle of legitimate expectations, prohibition of discrimination, the right to trial, the right to appeal. The principles are known widely, so we do not have to define them. However, it must be noted that the document methodizes the principles in different groups, such as: 1) reliability and predictability, 2) publicity, 3) accountability (public responsibility), 4) efficiency and effectiveness. We analyse these principles in the next chapter since these principles also characterize the EAS.

3. The main features of the European Administrative Space

The features of the EAS and the integration of the public administration in the EU have the same features. The experts’ opinions are the rather uniform in that regard. These features are the followings.

A) Political stability and the enforcement of the democratic rule of law

It requires the establishment and maintenance of such a legal system which ensures the separation of powers, a democratic institutional system and the operation thereof, the enforcement of fundamental rights and freedoms, and finally the respect of minority rights. We have to highlight one of the provisions of the Treaty on European Union (hereinafter referred to as ‘TEU’) according to which ‘(t)he Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to
the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.’ (Article 2 TEU)

B) Sustainable and environment friendly economic development in which the principle of solidarity is dominant

Article 3, paragraph 3 of the Treaty on European Union provides as follows: ‘(t)he Union shall establish an internal market. It shall work for the sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment. It shall promote scientific and technological advance.’ The principle of solidarity is realized primarily through the economic, social and territorial cohesion on the basis of Articles 174–178 of the Treaty on the Functioning of the European Union. This means in practice that, in order to promote its overall harmonious development, the EU coordinates their policies and activities so as to provide the sustainable development and to improve and increase the level of convergence. The EU specially takes efforts to reduce the differences of the development between the different regions all over the EU; furthermore it pays special attention to the rural areas, to the areas affected by industrial transition, to regions with very low population density and to the islands. To reach these aims the EU uses the sources of the Structural Funds and that of the European Investment Bank and other funds. On the basis of Article 175 of the Treaty on the Functioning of the European Union the Member States shall conduct their economy policies and shall conduct them in such way as, in addition, to attain those objectives.

C) Decrease of the role of national Parliaments and increase of the role of national administrations

From an institutional point of view, the winners of the European integration are the administrative authorities of the Member States, especially the central authorities and particularly the ministers. It should be borne in mind that the Council of Ministers, which consists of the ministers of the Member States, was the exclusive legislator for a long time, and now it is the co-legislator together with the European Parliament. Consequently, from the point of view of the execution of Union law, national Parliaments of the Member States are not legislators but executors. One author wrote about this topic in 2007 that ‘by the fact that the Council is the central legislative body at European level and a number of competencies of the national power has been conferred on the EU (at the same time lost by national Parliaments) without the European Parliament’s position to be strengthened to a similar extent, we are the witnesses of a kind of de-parliamentarisation.’ As a consequence, this upgraded the role of the national ministers, and devalued the role of the national Parliaments at Union level. This phenomenon is called in the legal literature as ‘the democratic deficit’. The EU tries to decrease the level thereof for a long time by different means, for instance by ensuring more legislative power for the European Parliament (Single European Act, Treaty of Maastricht, Treaty of Amsterdam etc.), by involving the national Parliaments in the legislation (Article 12 of the Treaty on European Union) and by involving the European Parliament in the process of the creation and the termination of the

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European Commission (Articles 17 and 18 of the Treaty on European Union). In our point of view, the deficit can totally disappear only if the European Parliament becomes the exclusive legislator (even if with the Council), and the European Commission becomes the government of the European Union. This is the tendency of the development, but the EU is too far from realizing that. On the other hand, the global financial crisis of 2008 has not deepened the integration, but rather encouraged and still encourages the strengthening of the national institutions of the Member States.

D) Maintenance and operation of a reliable, transparent and democratic administration

Concerning the reliability it must be assumed that the Member States are essentially free from external interference, are free to organize their administration, thus we cannot talk about administrative acquis. The EU is generally indifferent as to the organizational arrangements and operating methods applied by the national administrations and as to how they handle the public officials, the only point is that the public administrations have to function in such a way that the tasks set out in the EU acts have to be fully and correctly implemented in order to achieve the Union’s social, economic and political goals. The emphasis is therefore on the EU’s goals, on the realization, that is to say, ultimately, on the effective application of the acquis communautaire and on the enforcement thereof.

To this end, the EU require, above all, that the structure and function of the administrative system have to be reliable: the provisions of EU law have to be transposed into the national legal systems in time, the various authorities have to effectively and efficiently apply them as well, and have to allow continuous monitoring thereof carried out at EU level and have to ensure appropriate means of dispute resolution. The reliability includes different elements of effectiveness: accuracy, promptness, dynamic adaptability, moreover the achievement of the main goals of the EU and that of the economic and monetary union and political union.

The EU’s expectation is that the Member States’ administrations should be transparent: the range of those national administrative authorities which are in communication with the EU institutions and especially with the European Commission has to be unambiguous, the levels of decision-making and competencies have to be accurately fixed and properly marked off, moreover the powers of the various national institutions have to organically fit with each other, and there should not be ‘empty space’ or jurisdictional overlap.

Finally, the EU’s expectation is that the national administrations have to operate democratically. The requirement of democracy includes the rule of law, the respect for human rights and fundamental freedoms, multi-party system, the people’s power, the party neutrality of the public officials and other practitioners of public power, the stability of laws, the predictable functioning of the administration.

If the Member States do not fulfill the above Union expectations, the European Commission and the other Member States have got the legal instruments to enforce them especially in the framework of the procedures based on Articles 114, 126, 258, 259 of the Treaty on the Functioning of the European Union.

E) Enforcement of the ‘European’ and ‘good governance’ principles all over the EU: both at the level of the EU, the Member States and the local governments

Basically in this feature we have to mention the European Commission’s ‘White Paper on the European governance’ of 2001. This outlines that in order that the EU institutions could get closer to the EU citizens, the five principles of ‘good governance’ have to be realized. The five principles are: openness, participation, accountability, effectiveness and the requirement of coherence.11 The principle of openness requires that the institutions should function, in a physical sense, in a much more open way. What is more, they have to make clear for everyone that what they do and why they act, what are the decisions taken by them, and they have to communicate it in the appropriate language style and in a comprehensible form.

The principle of participation creates the validity of the decisions and, at the same time, it increases the citizens’ confidence in the institutions since it ensures the right for the citizens, as well as for the various non-governmental and other organizations to have a say in the decision-making. The situation under which only the institutions concerned have the prerogative in the decision-making must be terminated.

The principle of accountability means that, on the one hand, each institution is required to explain and to make everyone understood what and why it does and, on the other hand, they have to take the responsibilities for their actions and omissions. The principle of effectiveness establishes three requirements for the institutions. On the one hand, the different policies have to be carried out in the light of clear goals and on the basis of past experiences and that of the probable future effects and in due time (timeliness). On the other hand, it requires that the decisions taken and the consequences of the decisions always have to be proportionate to the objectives set out (principle of proportionality). Thirdly, the decisions always have to been taken at the most appropriate level (principle of subsidiarity).

The principle of coherence requires the realization of consistency and enforcement thereof in the different areas on behalf of the institutions. It must be made clear that the changes occurring in the world are ever more complex, thus the response given to them also have to be complex and well-coordinated (coherent).

The White Paper also states that the five principles of the good governance need to be applied all over the EU, more precisely in each Union institutions and bodies and in each authority of the Member States (both in the central authorities and in the local governments). As it can be seen clearly, it outlines such expectations that must be respected essentially by the authorities of the EU and that of the Member States. (In brackets we note that the ‘good governance’ and ‘openness’ is referred to in Article 15 TFEU. It states that in order to promote those principles the Union’s institutions, bodies, offices and agencies shall conduct their work as openly as possible.)

F) Harmonization of the procedural systems or the application of such procedural rules and institutions which ensure the enforcement of EU law

It seems that there is an ever stronger accord in the past years concerning the need for the integration of the administration. The integration of the administration has to follow the

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economic integration, because it is not allowed in the European Union that the 27 Member States execute in a different manner the acts adopted by the EU. Therefore, the unification of the administrative authorities and procedures of the Member States has been started in the EAS. This process is about the unification of the procedures of member states’ administrative authorities and the administrative procedures. (It is called Europeanization.)

F/1. The overture was the recommendation of the OECD on the European principles for public administration. (See at: OECD SIGMA/PUMA: European Principles for Public Administration, SIGMA Paper No. 27, 1999.) As we have seen, this document classifies under 4 groups the requirements concerning the European administration, taking into account the general principles of law established by the European Court: a) reliability and predictability, b) openness and transparency, c) accountability (public responsibility), d) effectiveness and efficacy. 12

Ad a) Reliability and predictability

Basically speaking, these two principles mean that the administrative bodies have to be bound by the law and have to ensure the rule of law and the principle of legality when they take their decisions and their actions. Thus, the administration can do exclusively for what it has authorization (the principle of competence). However, in when it has got authorization, it has to act (the principle of ex officio investigation). That is why such an administration is necessarily predictable.

Nevertheless, there are more principles which serve the principles of reliability and predictability, namely, the principle of proportionality, the principle of fair procedure, the principle of timeliness and the principle of professionalism. The principle of proportionality contains the proportionality of decisions, which means that the decisions have to be proportional with the aim pursued without causing unnecessary disadvantage for the citizens. The principle of fair procedure means that the cases have to be dealt with in an impartial manner, and covers the duty to inform on behalf of the authorities. The principle of timeliness means that the authorities have to make their decisions by the deadline set out in the law because the delay can cause injustice and can render more difficult to get the evidences. The principle of professionalism is a requirement concerning the public service: the civil servants have to be qualified, well-trained, neutral and professionally independent.

Ad b) Openness and transparency

The principle of openness means that the administration is available for the external examinations and for the citizens concerned. The principle of transparency enables the realization of the aims of control and examination. The enforcement of these two principles provide the chance for the people who are involved in the administration process to be able to be get acquainted with their rights and of course for the external bodies to revise the legality of the decisions. Being such, they are the prerequisites for the enforcement of the principles of legality, equality and accountability.

The principles of openness and transparency serve two special aims in the world of public administration. On the one hand, they serve the protection of public interest by reducing the possibility of the wrong decisions and the possibility of corruption and, on the other hand, they serve the protection of the individual rights by requiring that the decisions have to be justified rationally and by helping the interested persons to use their right to appeal.

12 See in: Jenei György: Public Administration - management (Századvég Kiadó Budapest, 2005.)
Secrecy and discretion was a general practice, except for Sweden, in the administration until the end of the 18th century. Subsequently the principle of openness meant that the laws and the individual decisions could have been enforced if they were communicated to the persons concerned by the administrative authorities. The principles of openness and transparency, i.e. the principle of open government became fundamental principles of the democratic statehood only at the end of the 20th century.

Ad c) Accountability (public responsibility)
The accountability and public responsibility are synonymous terms. It means that in the field of administration each authority is liable for their actions and omissions before the other authorities, the courts or the legislator. On the other hand, we could say that no administrative authority can extract itself of the examination carried out by the external bodies. These examinations are very complex, and can be carried out by respecting the provisions of positive law: the examination of appeals carried out by the superior authorities, the judicial review of the decisions taken, the examination of the ombudsman or the prosecutor, or even the examination of the Parliament. The final objective of these examinations is to provide that the administrative bodies function lawfully: to ensure the enforcement of the public interest and of the individual rights.

The accountability has other aspects besides the administrative one, such as political or professional aspects. The professional literature summarizes the features of the public responsibility as follows:

- Its theoretical basis: the examination of the procedures’ legality.
- Its subject: the legality of the actions of the administration.
- Its criterion: compliance with the applicable laws.
- Its direction: it has got two ways; one is within the body (superior bodies) and the other is outside the body (citizens, courts).
- Its mechanism: internal and external examinations, legal and judicial control.
- Its consequences: approval, modification, annulment, application of sanctions, compensation. 13

Ad d) Effectiveness and efficacy
Effectiveness means the favorable ratio between the resources used and the results obtained. This is an economic category. During the history the state became the baas of public services, thus this category gained civil rights in the field of administration. This principle has already been published in the constitution of Spain in 1978 with other classical principles, such as the principle of legality, the principle of openness and the principle impartiality.

The efficacy is a value, which is related closely to the principle of effectiveness. This value shows us how successful is the performance of the administration as regards the achievement of the aims determined by the legislator. Basically speaking, it means the rating and analysis of public policies, and a prediction about how much they appear in the actions of the public servants.

Apparently the principle of effectiveness opposes the principle of legality. The tension is real between the two terms that is why the different governments try to eliminate it, for instance by outsourcing, or by involving the private sector in public matters (PPP-projects). 

F/2. Besides the OECD also the Council of Europe was trying to contribute to the Europeanization of the national administration systems. The Council of Europe was founded in 1949, and it is important to know that this is a non-EU organization. During the sixty years the Council of Europe it has elaborated many conventions and opened them to their member states for ratification, furthermore it issued a lot of recommendations for their member states. Among these conventions we have to mention the European Convention on Human Rights (1950) and the European Charter of Local Self-Government (1985). The European Charter of Local Self-Government defines a European standard for the European states concerning the minimum requirements they have to enforce as regards their local self-governments.

Among the recommendations of the Council of Europe (the Committee of Ministers) the most important one is about the ‘Good administration’ (2007)\(^{14}\). (Recommendation CM/REC (2007)7 of the Committee of Ministers to member states on good administration. 20 June 2007.) This document is an instrument for the unification of the member states’ administration systems. All the member states have agreed that they have to develop their administration’s function by rendering it more effective, efficient and cost effective. The recommendation contains an annex with model rules, which are about the harmonization of the procedures of the member states’ administration systems. The model rules try to stimulate the member states to follow the provisions laid down in the document. It states different kinds of principles concerning the administrative procedures and by doing that it created a European minimum procedural standard: the subordination of the administration of the laws (Article 2), the principle of equal treatment (Article 3), decision-making within a reasonable time (Articles 7 and 13), protection of personal data (Article 9), the principle of transparency (Article 10), the principle of judicial review (Article 22), liability for the damages which were caused by administration powers (Article 23). As it can be seen, these principles are very similar to that of the OECD principles. It is very important to state that the Hungarian act on the administrative procedure (Act CLX of 2004) is fully consistent with those principles.\(^{15}\)

G) Independent and fair procedure in the judicial system

In a modern state two organizations are liable for the execution of the decisions of the legislation, these are the public administration and the courts. These two organizations were separated in the 19th century and from that time they have been functioning separately. This process does not affect the fact that the courts also do enforce laws, because they apply the general law in the specific case. Naturally they operate on the basis of different aims, different procedural rules and different principles.

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\(^{14}\) Recommendation CM/REC(2007)7 of the Committee of Ministers to member states on good administration. 20 June 2007

\(^{15}\) See in: Fábián Adrián: Az EU-jog és a tagállami közigazgatási eljárás kapcsolódási pontjai. Magyar közigazgatás 2006. évi 10. szám
The basic criteria of the rule of law are the separation of powers and the balance of these powers. In this type of system not only the courts are independents, but the judges too, they are subordinated only to the law. Nevertheless, the judges must enforce and keep the laws, furthermore they must enforce the rules of fair procedure: to hear the client and the opposite party, to decide within a reasonable time, to justify the decision, to provide possibility for appealing. In this type of the judicial system it is provided to contest the administrations decisions before the courts. This opportunity is provided within the judicial system (for instance just like in the United Kingdom) or outside of it (just like in Germany).

H) Maintenance and operation of such a public sector which performs its tasks legally, effectively and with the citizens’ satisfaction

The public sector is a complex concept. It means the creation of new values, which are connected to the production of public goods and also serve them. They do not include those activities which are taken by the public power. The core of the concept is the public goods, which is manifested in the constitution as a fundamental right. The state can classify a service as a public service, and the state also can regulate it. Some of the public services are connected with the infrastructure and some of them are connected directly with the person. The infrastructural services in the modern Europe are the followings: uniform water supply, public lightning, the maintenance of public roads, the maintenance of public cemeteries, waste management, flood and drainage protection, fire protection. The range of human public services in Europe is: the maintenance of schools and kindergartens, the maintenance of educational institutions and health and social services. (Horváth M. 2007.)

I) Armed forces and law enforcement agencies which are under civil (political) control and which operate in a politically neutral manner and in the legal frameworks

One criterion in a democratic state concerning the armed forces (army) and the law enforcement agencies (police, civil defense, fire brigade, prisons) is that they have to be under civil control. Armed forces are responsible for the external security, while the law enforcement agencies are responsible for the internal order. In the opposite case, if these are not under civil control, we talk about military dictatorship. The civil control means that the administrative bodies are managed by the government and are supervised by a minister. The neutrality in politics means that the members of the armed forces or the law enforcement agencies cannot pursue political activity. They must always act according to the laws and act loyally against the current political power.16

J) Enforcement of the principles of decentralization, subsidiarity and solidarity

Decentralization is one of the principles of the organization of a modern state. It means an output of the state power into the regional or local level. The reasons are various: rationality, expediency or others. The principle’s general meaning is that there is a given issue to be decided and they have to make the decision where this issue comes from,

because the source of this issue includes the most information for the decision. The Treaty of Maastricht introduced this principle at Union level in 1992. Article 5 of the Treaty on European Union (2009) confirmed this principle, with the same substance. According to the principle of subsidiarity, except for the areas which fall within its exclusive competence, the Union can act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can be better achieved at Union level. We have already referred to the principle of solidarity above. As we have mentioned, this principle is interpreted as regards the relationships among the Member States. The EU does everything to facilitate this cooperation, because this is a part of the sustainable development programme. Under Article 3 of the Treaty on European Union the EU promote economic, social and territorial cohesion, and solidarity among the Member States. As a consequence of the enforcement of these three principles the subnational organizations (regions) have already strengthened in the EU. This means that the central agencies have been pushing to the background, which is a very slow process. The positive change in this process is that the developmental differences have already been reducing among the different kinds of regions.

K) A stable, competent, highly qualified and neutral civil service (civil servants)

The principles listed below come from the principle of the rule of law. For the thousands of people, who work in the EU institutions the civil service career is a lifelong profession. That is why it is important for these civil servants to be stable, predictable, highly qualified, well trained and neutral. EU law regulates this lifelong career by Council regulation (EEC, Euratom, ESCS) 259/68 (which was amended more than a hundred times). The enforcement of EU law and the participation in the decision-making are important tasks for the civil servants in the European Union and of course for the national civil servants, too. Therefore, it is important that the requirements set out in the regulation on civil servants should be equal in the whole EU. The national civil servants and the civil servants in the European Union always meet during the decision-making and enforcement of EU law. This is a favorable process in the EU, because they get to know each other and it means that the decision-making and the enforcement of EU law can work more efficiently. The result of the regular meetings is that the EU civil servants can better understand and accept the arguments of the national civil servants, while the national civil servants can better understand and accept the arguments of the EU civil servants. Consequently the national civil servants are continuously Europeanized. That is why we can find in Article 197 of the Treaty on the Functioning of the European Union in that the enforcement of EU law is a matter of common interest. Article 45 of the Treaty on the Functioning of the European Union also declares the right of the free movement of workers. This means that the EU citizens can work, find a job, can apply for a job freely in every Member State. This right can be restricted on grounds of public policy, public security and public health. Article 45(4) states that these provisions do not apply to employment in public service, so the Member States can restrict the civil service to citizenship, or to other condition. Obviously it is because of the fact that it is about exercising the public power.\footnote{Idea of the European Union’s organizational system. Curentul Juridic - Juridical Current. Year XII, NR. 2 (37), Tirgu-Mures, 2009}
4. The future of the European Administrative Space

On the basis of the aforementioned we can draw the conclusion that the creation of the area without borders, a single geographical area, the citizenship of the Union, the internal (single) market, the economic, financial and political union by the European Union and the need for the effective enforcement of Union law requires the approximation and, in certain cases, the unification of the Member States’ administrations. This process, in the longer term, will lead to convergence of national public administrations, and a really single European administration, obviously by decreasing the Member States’ sovereignty. There is no doubt that in order to that the current situation cannot be maintained for a long time, whereby some elements of the management cycle, and implementing those institutions were strong separation from each other.18 The objective of information gathering and processing, planning, coordination and control is now - of course ‘just’ in Union matters - at the supranational level. The actual implementation is in general realized at national level and implemented through national institutions: the preferences uniformly, but in practice a wide variety of ways. The claim was that the integration of the economic and monetary matters and the political integration must be necessarily followed by a kind of administrative integration, even if it can be considered as (perhaps) a more painful loss of national sovereignty for the Member States. This process enhances the ‘European administrative law’, the formation and gradual development thereof can be detected especially in the procedural rules, and the absorption of EU funds of the substantial progress, but the adoption of the Treaty of Lisbon, which has established the TEU and the TFEU, is also of a great importance. However, it can be seen that the Treaty of Lisbon did not eliminate the tension between the unity of the scope of EU law and the autonomy of the national administrations. That would be important since the Union and part of the ‘European Public Administration and the European administrative law’ development have a series of new challenges ahead. We can also refer to the phenomenon of globalization, to the significant increase in the number of the Member States, to the energy and environmental problems and to the fight against terrorism.19