

Item No. I on the Delegations' Agenda:

Public Administration in the CR after Accession into the EU

The Czech Republic joined the European Union on 1/5/2004. Back then, coordination of activities related to public administration was divided between the Office of the Government of the Czech Republic and the Ministry of the Interior: the Office coordinated state administration, whereas the Ministry of the Interior coordinated territorial public administration. Upon Government Resolution No. 1232 as of 25 October 2006 coordination of activities in the field of public administration was transferred to the Ministry of the Interior.

The issue of PUBLIC ADMINISTRATION is a **cross sectional topic** that penetrates all walks of life of society. It is a set of administrative activities performed at both central and local level and related to the provision of public services. Public administration has to be perceived as an interconnected process through which procedures are formulated, sources are allocated, including active absorption of Structural Funds, and through which programmes are implemented, the aim of which is to ensure a functioning setup of public affairs in modern democratic society.

Public administration is divided into several different levels, namely European, national, regional and local levels, and requires the involvement of an ever increasing number of officials and institutions. First and foremost, promotion of quality operation of the European public administration system poses a challenge for the Czech Presidency so as to interconnect all actors with the aim of supporting **good public administration**. Good public administration is necessary for successful **economic and social development**. Unless the public sector is able to pursue public administration in fields such as justice, education, public safety, health care or provision of public services well, Europe can never be competitive.

The Czech Republic is aware of the importance and implications of meeting the requirements stipulated by the **Lisbon Strategy**, whose main objective is to boost economic competitiveness of the EU. This may be achieved through a simplification of European legislation and improvement of the transparency and efficiency of public administration operation. The Czech Republic believes that the efficiency of public administration is one of the key factors for the development of competitiveness.¹

The modernisation of public administration cannot do without the utilisation of **information and communication technologies** that strive for digitising administrative processes and for building a functioning electronic public administration as a tool for reducing the administrative burden placed onto citizens. In the field of information society and in line with the motto "Europe without barriers" the Czech Presidency will focus mainly on overcoming barriers with the help of ICT. The main topic will be e-Inclusion into information society including access to electronic information sources, in particular web sites (e-Accessibility). The Czech Presidency will support activities targeting one of the objectives

¹ The *Public Administration* Chapter of the Mission Statement of the Government of the CR states that "the Czech Republic shall take a fundamental step towards enhancing its competitiveness among others through enhancing the efficiency of pursuing public administration. State powers at the central level as well as at designated self-governing authorities shall be pursued in a transparent and economical manner. Public administration shall be a true service for the citizens."

of the i2010 Action Plan, i.e. to make it possible for all citizens to use easy-to-access e-Government services by 2010. We will try to perceive social inclusion not only in the European, but also in the global context mainly in relation to developing economies. Drawing on European Commission activities we will support continuation of the Safer Internet programme of the Community. Special attention will be paid to enhancing public awareness about illegal and undesirable Internet content and to the threat this content poses most notably for the young generation.

Already before its accession into the European Union the Czech Republic had actively participated in exchanging experience and providing information:

- a) Within *regular meetings of Managing Directors and Deputy Ministers in charge of public administration in EU countries (EUPAN – European Public Administration Network)*;
- b) Within activities of the *Employee Regulations Working Group (B-15)*;
- c) Within activities of the *Better Regulation Working Subgroup (G-1)*.

Ad a) EUPAN

Public administration is not the subject of any common single European policy and it is not *acquis communautaire*. It lies in the exclusive powers of individual EU Member States. However, already in the 1970s Ministers in charge of public administration decided to meet and to exchange experience and provide information from the field of public administration including examples of good practice, with view to the fact that **good public administration including pursuit of professional and quality public administration to a considerable extent contribute to ensuring functioning and modern democratic society governance**.

- Involvement of the CR in activities since 2002 upon a call within the pre-accession process (as an EU candidate country);

- Necessity to exchange experience during the ongoing public administration reform in the CR, “harmonisation” of the process, even though public administration is not part of common single European policy and lies in the exclusive powers of individual EU Member States;

- The first invitation to participate in a meeting of Ministers of EU countries in charge of public administration (Spain, November 2002); the CR was invited in its capacity as a candidate country (however, nobody took part on behalf of the CR);

- Further negotiations of Managing Directors and Deputy Ministers in charge of public administration in EU countries (negotiation on 6/6/2003, sent by Greece) – the then Deputy Minister of the Interior took part on behalf of the CR;

- Active involvement in working groups in the second half of 2003 during the Italian PRES: Human Resources (back then coordinated by the Office of the Government), IPSG + Better Regulation (Office of the Government), e-Government (Ministry of Informatics);

- Traditional involvement, active participation that follows from membership in the EU;

- All other EU Member States also participate together with Norway, European Commission representatives and representatives of European Trade Unions and EIPA (European Institute of Public Administration).

EUPAN has been gradually divided into six working groups according to specific issues:

IPSG (Innovative Public Services Group) – devoted to the modernisation of public administration;

HRWG (Human Resources Working Group) – devoted to HR development in public administration;
e-Government – devoted to the modernisation of public administration;
Better Regulation – devoted to the modernisation of public administration;
Social Dialogue – two-year test phase of cooperation between EUPAN (European Public Administration Network) and TUNED (Trade Unions’ National and European Administration Delegation);
DISPA (Directors of Institutes and Schools of Public Administration) – devoted to the cooperation between education institutions on making the activities of public administration professional.

Ad b) Employee Regulations

It is a Working Group (WG) under the General Affairs and External Relations Council (GAERC) that is made up of Ministers of Foreign Affairs of Member States. The WG debates legislation related to staffing issues concerning employees of EU institutions; the Ministry of Foreign Affairs and the Ministry of Labour and Social Affairs serve as co-guarantors. The position of the B-15 working group is specific for two reasons:

1. The negotiated legal regulations mostly do not have an impact on the system of law of the Member States, as they concern the legal position of employees of European institutions;
2. Contentious issues are debated either by Coreper II (Committee of Permanent Representatives of Member States’ ambassadors) or Coreper I (Committee of Permanent Representatives of Member States’ deputy ambassadors). Other working groups are always attached to one Coreper.

Issues debated at the WGs are very sensitive for Member States and furthermore they have budgetary implications; hence, Member States pay a lot of attention to them. **The Committee for the EU**, which is the largest political body comprising Deputy Ministers for European Affairs, has confirmed that **equal status and appropriate representation of officials from the CR in the institutions is an important priority for the CR**. However independent the officials of European institutions are, they are influenced by the environment and culture in which they grew up and have greater understanding for settings of their “home” Member State, which is why each Member State intends to have as many of “its” officials as possible.

Expected Agenda during the Czech Presidency

The agenda of the Czech Presidency was agreed upon as part of the Presidency Trio (France, CR, Sweden) and negotiated with the General Secretariat of the Council, but its specific contents may still change depending on what documents are closed by the present French Presidency, what the political situation during our Presidency will be like, etc.

The agenda may be summarised into the following bullet points:

1. *Change of the Protocol on the Privileges and Immunities in the context of the transformation of Europol into an EU agency;*
2. *Travel documents for employees and members of EU institutions (“laissez-passer”);*
Employees of EU institutions have a special passport, whose nature is the same as that of diplomatic and service passports, and certain diplomatic privileges and immunities are related to it.
3. *Review of Service and Employment Rules;*

On 1/5/2004 the latest major amendment to the Service and Employment Rules was carried out, which presumes that certain provisions will be reviewed at the turn of

2008/2009, i.e. during the French and Czech Presidencies. It is mainly about provisions that govern the following:

- a) Ensuring a long-term balance of the pension system;
- b) Methodology for regular wage adjustment;
- c) Degree of second foreign language knowledge – a new precondition for the first promotion;
- d) Career system in EU institutions;
- e) Accident and sickness insurance.

The above agenda is related to the Czech Presidency priorities of **Open and safe Europe** (Items 1 and 2) and **Competitive Europe** (Item 3).

EC/EPSO Expert Negotiations for Selection Procedures

The European Personnel Selection Office (EPSO) was established on 1/1/2003 and entrusted with organising selection procedures and selecting personnel to work for European institutions. Shortly after its establishment it initiated the formation of a network of selection procedure experts from Member States, with whom it regularly meets once during each Presidency. The meeting is usually hosted by the presiding country and the deliberations are devoted to various aspects of selection procedures to European institutions.

It may be said that EC/EPSO negotiations complement negotiations of the Employee Regulations WG, as they focus in detail on one of the important parts of the Service and Employment Rules, namely the selection procedure. At regular expert meetings within the EC/EPSO network experts from Member States are acquainted with changes that EC/EPSO intend to make in the short run and have an opportunity to consult these changes on the spot.

We can thus learn about the terms and conditions that would be unfavourable for, or discriminating against, applicants from the CR, and can draw attention to them.

The CR has therefore always actively participated in EC/EPSO activities. Thanks to that it eventually managed to change the **language regime during selection procedures, which had discriminated applicants from the CR** (and other new Member States). As opposed to applicants from EU-10, applicants from EU-15 underwent part of the selection procedure in their mother tongue, which is a fact we had been highlighting from the beginning of our EU membership. Since 2007 we have seen a positive change, as selection procedures now take place in a foreign language for all applicants, who may choose between English, French and German. The above information was **officially confirmed by an EPSO representative at a meeting of selection procedure experts in Berlin in May 2007.**

Ad c) Better Regulation

The Competitiveness and Growth Working Group (G1) deals with Better Regulation issues and negotiates horizontal issues related to this European Commission initiative, which is made up of three basic pillars: impact assessment, action programme that aims at reducing the administrative burden for entrepreneurs, and progress in simplifying *acquis communautaire*. During CZ PRES the G1 Working Group will have the main task of negotiating recommendations from the results of the ongoing administrative burden measurements, monitoring of progress in adopting draft simplifications or recommendations for prioritising selected draft simplification amendments and negotiation and support of implementation of recommendations to improve impact assessment in the Council of the EU (based on results from a review of the joint institutional approach to impact assessment launched in June 2008). The G1 Better Regulation Working Group will among others prepare

and discuss a Progress Report (on the above topics) concerning better regulation as an input from the Competitiveness Council at the Spring European Council in 2009.

Prepared by: Public Administration HR Development Department

Item No. II on the Delegations' Agenda:

Opportunities for a Joint Procedure in e-Government

(Recommendation: bring the figure of eGON)

I believe that we should first and foremost focus on enhancing the mutual provision of information in this field, on a more intensive exchange of experience, however not just experience, but also good ideas and plans, on joint consultations concerning national visions, strategies and concepts. In order to contribute to fulfilling the objective of mutual provision of information as well, I will briefly introduce at least some important facts our Ministry presently deals with. The orange figure has its name: it is eGON, who in a symbolic way represents the current approach to modernisation, in particular to e-government. Just like people who are fully capable thanks to the correct functioning of their individual body parts eGON also represents a functioning system and symbolises the interconnections and relations among vital body parts, i.e. the heart, which stands for the fundamental eGovernment Act, the brain, which stands for the basic public administration registers, the blood vessels, which stand for the communication infrastructure of public administration, and the hands, helpfully offered to anyone who needs to communicate with public administrative bodies through a network of Czech POINT public administration contact points. Czech POINT is a project that significantly contributes to red tape mitigation in relation to the public, i.e. citizens and legal entities (companies) and public administrative bodies. At present it has a key function of issuing verified extracts from public administration information systems, in particular extracts from the information system of the Real Estate Register, the Commercial Register, the Trade Register and the Criminal Records Register. The functions and also the number of these contact points are gradually increased so as to be not only easily accessible in the future, but also to make it possible for them to deliver a majority of administrative services provided by public administrative bodies to the public.

With view to time constraints I have only just indicated our comprehensive approach to eGovernment and have mentioned just one project, but I would clearly like to say that we are ready and that we offer cooperation on a whole range of tasks we are currently dealing with or on whose solutions we are working. We are preparing, or rather we have started working on a solution to the electronic ID card project. I believe that the field of identification and identifiers offers an extensive potential for cooperation. In my opinion the idea of a gradual unification of a citizen's ID card is not erroneous, just like the project under way in the field of electronic travel documents. We should also jointly debate the issue whether it is necessary for a citizen to have several documents containing identification and other data, whether and to what extent it is desirable for a citizen's ID card to include also data from other existing documents, such as the driver's licence, or other data from other implemented systems, such as data about one's health including health insurance data, etc. Hungarian colleagues could inform us about their experience with the existence of a separate and virtually optional document about a citizen's permanent residence. Related to these issues is a whole range of problems mainly in the field of communications and communication systems and in the field of data and information systems security, mainly as concerns personal and other sensitive data. We have to be prepared for a situation when – through the centralisation of some data of that kind, e.g. data concentrated in one of the basic public administration registers (citizens register) – we indirectly “offer” the possibility to attempt at unauthorised access. The issue of authorised access to reference data contained in this and other fundamental public administration registers is thus one of the most vital issues we are presently tackling and about which we would like to hear your opinion and the preferred route in your countries.

Another field offering a great potential of mutual cooperation lies in solutions for integration tools among national information systems. I believe that not only the systems of a criminal security nature are vital, but also systems pertaining to the safety, as well as prevention and protection of inhabitants, a crisis management system, selected health care systems, etc. With view to the dynamically progressing globalisation and integration of the European continent, an ever expanding migration of citizens and last but not least also rising immigration of citizens from non-European countries, the importance and implications of these issues are on the rise.

I would also like to mention that our eGON is not only ready to cooperate in all fields related to eGovernment, but is very much looking forward to it.

Prepared by: eGovernment Projects Implementation Department

Item No. III on the Delegations' Agenda: Status of Public Administration Reorganisation

Municipal self-government was renewed in 1990, thus replacing cancelled local and municipal people's committees. The new establishment of municipal self-government was governed by the Municipalities Act (No. 367/1990 Coll.).

The decision on the public administration model (in 1999): essentially, two models had been considered. The first model is about pursuing state administration through territorial self-government, next to which there can be specialised state administrative bodies, but no state administrative bodies having general powers. The second model would require the establishment of special state administrative bodies and special self-governing bodies. However, the Chamber of Deputies voted for a joint model, which was subsequently implemented.

The regional system was formed upon the establishment of self-governing regions (in 2000), which also marked the beginning of the territorial public administration reform.

Public administration reform. There was both a decentralisation effect, when the powers were transferred to a separate competence, and a de-concentration effect, when the powers were transferred to a delegated competence of municipalities and regions, which still report to the central state administration. The de-concentration effect was more pronounced.

Phase I – establishment of regions (in 2000): tackling problems related to the establishment of regions and their activities in the initial phase is often referred to as the first phase of the public administration reform. At present two problems are conceptually the most important ones. The first and most vital issue is funding the operation of regions. The present situation makes it possible to provide for the organisation of regions and for pursuing state administration at regional level. However, there are not yet sufficient funds to make it possible for the regions to pursue their separate competence in the field of territorial development. The only viable solution to overcome this problem is to increase the share of regions in the budgetary allocation of tax income. It is clear that finding an optimal ratio is difficult with view to the state budgetary constraints on the one hand and the necessity to implement among others financial decentralisation at regional level on the other.

Phase II – termination of operation of district authorities (in 2002): it was not possible to transfer the powers of district authorities on all municipalities with an entrusted municipal authority, these municipalities account for 388 at present. This was due to the fact that some entrusted municipal authorities have their office in fairly small centres, have very small territories and sometimes even a mere five thousand inhabitants. One cannot establish any long-term conditions at such authorities for quality pursuit of state administration, which had been still pursued by district authorities, whose jurisdiction comprises a territory with usually 100,000 to 150,000 inhabitants. Since the establishment of district self-government in smaller districts was impossible and since the powers of district authorities could not be given to all municipalities with an entrusted municipal authority, the selected solution was such that approx. 200 municipalities were selected to pursue state administration also in a wider territory. The fact that administration is pursued in a wider district has been taken over from the joint model principle. The above selected municipalities have been called “municipalities with extended powers”.

Regulatory reform and enhancing the quality and efficiency of public administration

In July 2007 the Government adopted a strategic document entitled “Efficient Public Administration and Friendly Public Services”, which defines Government objectives of making public administration more efficient. The document is also necessary for the opportunity to absorb funds for Smart Administration from EU Structural Funds. The document defines a global objective “to support socio-economic growth in the CR and enhance the quality of life of citizens of the CR by making the operation of public administration and public services more efficient”.

A Government Decision dating back to July 2007 states that as of 1/11/2007 it shall be necessary to assess the impact of all legal regulations that a particular drafted legal regulation has on citizens, entrepreneurs, public administrative bodies and other entities. The Government of the CR shall not adopt draft legal regulations that excessively burden individual groups in society and where benefits do not exceed such burden.

Prepared by: Territorial Public Administration Department