The Politics of Reform: 
Responsibility and Good Governance in the European Commission

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Introduction

When Romano Prodi became President of the European Commission in 1999, he began his term of office by setting out four priorities that would shape his presidency. The first of those four priorities was the promotion of new forms of European governance ‘...by giving people a greater say in the way Europe is run and making the European institutions work more transparently and effectively’. Although not directly the responsibility of the Secretariat-General’s Governance Team which was set up to operationalise that objective, the administrative reform of the European Commission has to be understood in this wider context of European governance and the attention being paid to it by the EU. This reflects a now well-established academic interest in European governance (see Hix, 1999; Kohler-Koch and Eising, 1999 amongst others).

Formally, the current Commission reform was initiated with the Reform White Paper of March 2000. More informally it began – depending on one’s perspective – either with the appointment of Romano Prodi as Commission President (and subsequently Neil Kinnock as Vice-President for Reform) after June 1999, or with the less impressive reforms initiated under Jacques Santer from 1995. In its current guise, the reform programme has as its stated objective the modernisation of the Commission. What this ‘modernisation’ entails is considered below.

The paper identifies the two strands of reform that are visible in the current reform programme: one based on the desire to create of the Commission an efficient and effective organisation; and a second, which seeks to inject responsibility into administrative culture. While the first is often assumed to be the driving force behind the reform programme, this paper focuses on the second which is just as important. It is important as it responds to a particular set of criticisms addressed to the Commission, and because it adds a ethical dimension to talk of good European governance. The paper begins by identifying the roots of current reform process. Three factors are dealt with here: first, the structural and procedural inadequacies of the Commission, many of which have long been identified as administrative weaknesses; second, the events preceding, and the reaction to the resignation of the Santer
Commission in March 1999; and third, the more general influence of the ‘new public management’ within the Commission’s reform programme. In identifying the roots of reform we can see how these two strands of efficiency and responsibility entered into the Commission’s reform agenda. Next, the paper provides a brief review of the Commission reform process, before turning to explore in more detail the concept of responsibility and how it is operationalised within the Reform White Paper.

**The Roots of Reform**

There are three roots to the current Commission reform programme. First, we can trace its origins to weaknesses in the Commission’s administration. While some of these weaknesses have long been identified as problems for the Commission, others are the more recent consequences of the EU’s new competencies, of its enlargements, and of the ever-increasing demands made upon it by national governments. The origins of reform can also be traced to the events which culminated in the publication of the Reports of the Committee of Independent Experts (CIE) and the resignation of the Commission in March 1999. Third, reform can be understood as part of more general reform trends within the public sector. These are often grouped under the rubric of the ‘new public management’, a set of principles and practices which have already transformed civil services in a number of countries of the EU. The following sections look at these three roots of reform in more detail.

*The European Commission: administrative weaknesses*

The European Commission has long been criticised both for its political ambitions and for its administrative inadequacies. Although it is with the latter that this section is most concerned, the administrative and political abuse to which the Commission is subject is invariably intertwined. Indeed, many of those criticisms are those that are thrown at all bureaucracies. For example, du Gay’s two pejorative representations of the ‘typical bureaucrat’ could as easily apply to the popular image of a ‘eurocrat’ working in one of the Commission’s services.

One [representation] has this creature endlessly drafting diabolical regulations, ‘cunningly contriving new controls over the private citizen’ while extending its own malign influence. The other has bureaucrats positioned as idle loafers, spending their days … ‘reading magazines, planning sailing trips, or buying and selling stocks’, all at
the taxpayers’ expense … Both have their heads down, but in rather different postures (du Gay, 2000: 2).

The popular image of the Commission does not do justice to the complexities of administrative life within the Organisation, however. This is not to make excuses for administrative inadequacies, but to highlight that reform of any one problem in such a complex organisation may well have (negative) knock-on effects on its operation elsewhere. The need for a holistic, comprehensive reform, framed by a coherent reform strategy is therefore necessary.

Identifying the problems has never been particularly difficult. There have been a number of reports and screening exercises since the 1970s, each of which has depicted the Commission as an organisation plagued by structural and procedural ‘irrationalities’. The latest of these reports was published in July 1999, and is known as the DECODE Report (Commission, 1999). This was the result of a screening exercise overseen by Jacques Santer in 1998 which identified a host of problems under the headings of ‘structures’, ‘activities and resources’, and ‘working methods’.

The Report begins by identifying a number of weaknesses in the organisation of the Commission’s departments. These arise ‘either because structures do not correspond to the political and economic priorities which have emerged in the Union in recent years or because areas of responsibility are fragmented’ (p. vii). External relations was a policy area which suffered more than most from fragmentation of this sort (or from ‘a split personality’ as the Report puts it), with responsibilities scattered over seven departments (p. viii). The Report also pointed to the inefficiencies resulting from the ‘location of individual departments in multiple sites’ (p. viii).

Moving on from structural anomalies, the DECODE Report was sorely critical of the organisation and distribution of activities and resources within the Commission. It accepted that departments were well able to identify the core areas of their responsibility, but criticised them for failing to identify what the report calls ‘negative priorities’, that is, those that might ultimately lead to the suppression of certain unnecessary or unjustifiable tasks. The identification of negative priorities does ‘not form part of the Commission’s processes, and have not entered into its way of thinking’ (p. ix). Moreover, the Report also called for a ‘more structured approach by the College, in conjunction with senior management, … to enable its political guidelines to be translated into the work programmes of the departments’ (p. ix) and
criticised the allocation of resources between operational and support functions within the Commission, and the inadequate numbers of staff allocated to manage programmes and projects (p. x). It also identified problems associated with the growth in the number of Advisors and Assistants within the departments, suggesting that their roles be changed or clarified.

According to the DECODE Report, the working methods of the Commission were patchy, to say the least. Although there were examples of good working practices, there was little evidence that best practice was shared across the organisation (p. xi). The Commission was also taxed by problems of duplication across departments, of which the screening exercise found at least 50 examples (p. xii). It criticised the lack of understanding or application of ‘performance management instruments (work programmes, progress reports, etc.)’ and the way in which ‘emphasis tends to be on the management and measurement of inputs rather than that of outputs’ (p. xii). Evaluation was clearly taken to be a real weakness within the organisation. So too were the mechanisms inside the Organisation for providing services - in the absence of a system of ‘internal billing’.

The problems of co-ordination across departments has long been highlighted within the Commission. Such weaknesses are attributed to ‘a lack of clarity as regards the split of responsibilities between departments, to over-assertiveness by departments in some cases, and to authoritarianism on the part of certain team leaders’ which ‘has the effect of distorting interdepartmental consultations’ (pp. xiii-xiv). While horizontal communication is particularly problematic, interference by cabinet members in the affairs of departments was also deemed to be unsatisfactory, not least as there were no clear guidelines as to what their involvement should be. Under the Financial Regulation, difficulties caused by the existence of ex-ante financial controls were also highlighted, with a recommendation that the rules be revised to ‘bring in a value-for-money, performance-based culture’ (p. xiv). Finally, according to the Report, more thought needed to be given to the appropriateness of employing temporary officials with clear guidelines needed to determine whether what are labelled ‘alternative ways of working’ were advisable.

This whistle-stop tour through some of the administrative inadequacies of the Commission, seen through the conclusions of the DECODE Report, demonstrates how important reform was for the Organisation. Given the changing functions, membership and external context of the Commission, it would be fair to say that it was needed more in 2000 than ever before. However, as already mentioned, this was not the first screening exercise
undertaken which sought to set an agenda for reform. So while these weaknesses explain the importance and necessity of reform, they do not explain its timing.

The Resignation of the Santer Commission

There is no doubt of the importance of the March 1999 resignation of the Santer Commission in setting the scene for the reform process introduced at the beginning of the Prodi Commission. It is not so much the resignation itself that was important however, as the criticism which the Commission had received from the Court of Auditors, the European Parliament, and most importantly from the Committee of Independent Experts, whose reports were published in March and September 1999. However, many commentators have now noted how ironic it was that the most reformist of Commission Presidents – Jacques Santer – should fall from grace in such a way, criticised for his failure to address the problems that had long been facing the Commission (Peterson, 1999b; Stevens, 2000: 193; Cram, 1999: 59). But Santer’s problems, it seems, were not only that the reforms he introduced were low-key and low profile and, in many cases, only introduced on a voluntary basis (Stevens, 2000: 187), but that he lacked the leadership to follow through on his original objective (Peterson, 1999a) which was to do ‘less, but better’ (The Economist, 13 May 1995; Cini, 2000: 13).

There is a fairly long history to the events of March 1999, some of which are related to the criticisms of the Commission identified above (Macmullan, 1999), but which are also tied to the question of and perceptions of fraud within the European Union. Numerous EP reports had criticised the Commission for failing to reform its internal procedures, especially those related to financial management; and the Court of Auditors had long identified the Commission’s own administrative practices as facilitating fraudulent activities. It is telling that the crisis first came to a head in January 1999 over the Commission’s mismanagement of the 1997 budget, even if ultimately the European Parliament did not censure the Commission. Of course the crisis was also about the EP flexing its institutional muscles vis-à-vis the Commission, as well as being about the Commission’s handling of the van Buitenen case.²

The First Report, on Allegations regarding Fraud, Mismanagement and Nepotism in the European Commission (CIE, 15 March 1999) dealt specifically with matters of administration as they touched the College of Commissioners. Even though no fraudulent

² Paul van Buitenen, an assistant internal auditor in the Commission had leaked a report alleging mismanagement and fraud to a Green MEP. He was subsequently suspended on half-pay for breaching the Staff Regulations on the release of confidential documents (see van Buitenen, 2000).
activities by the College were identified (with the exception of the Cresson affair), the CIE identified a number of general and pervasive weaknesses in the management, organisation and administrative culture of the Commission. It recommended reform to remedy the following eight criticisms: that Commissioners had lost control over their departments; that there was a lack of openness and transparency in the Commission’s internal decision-making; that there was a failure to think through the implications of policy before it was proposed; that there existed internal problems such as ‘fiefdoms’ which prevent the Commission coping with new tasks; that there were procedural problems associated with auditing and the investigation of fraud; that there were procedural problems associated with calls for and the award of contracts; that there was a failure by Commissioners to transmit all relevant information to the European Parliament, or, indeed, to the Commission President and other Commissioners. There was also evidence of favouritism and nepotism in appointments to Commission posts.

The Second Report was more concerned with what went on at the level of the Commission’s services. Its recommendations included the introduction of a ‘genuine contracting philosophy, a remodelled legislative, regulatory, and budgetary frame of reference, and greater responsibility entrusted to authorising officers’ in order to ‘restore order to the Commission’s management’ (p. 4). It highlighted problems which made EU policies vulnerable to fraud, particularly within the CAP and the EU’s structural policies; it criticised the operation of financial management within the Commission ‘which [were] a major factor in relieving Commission managers of a sense of personal responsibility for the operations they authorise while at the same time doing little or nothing to prevent serious irregularities’ (p. 12); it damned the existing framework which sought to combat fraud (via UCLAF/OLAF); and argued the case for changes in the Staff Regulations (p. 19) and better defined codes of conduct (p. 23). Finally, it claimed that ‘the concepts of political responsibility and accountability remain unclear and the mechanisms for their practical application inadequate’ (p. 23).

Thus while there is a measure of overlap with more general concerns about administrative weaknesses in the Commission, the tone of the CIE Reports was extremely moralistic. This was reflected in the media presentation of the events surrounding the College’s resignation which served to compound and reinforce the generally negative public perception of the European institutions. The bad press had really begun with the van Buitenen case. Articles such as those in the Sunday Times on 13 December 1998, headlined ‘Top Eurocrats in bribery inquiry’, and in The Guardian on 11 January 1999 in which van
Buitené claimed ‘Europe is out to get me’ were commonplace around this time. There can be no doubt that reports such as these affected the climate of opinion towards the Commission. Even so, one insider claimed that at the time of the resignation, that the conclusions of the CIE Report were unjustified.

On the whole I think the analysis and conclusions about specific allegations were careful and fair, and some of the more general criticisms of the management methods of the Commission were also justified. But the Committee then added some very general observations which went beyond anything supported by the individual cases that had been scrutinised. Those general observations were couched in language wholly different in character from that used in the analysis of individual cases. Some unnecessary and crude journalistic icing was added to what was a perfectly well-baked and freestanding cake. The Committee concluded, for example, that it was hard to find anyone prepared to take responsibility in the Commission. To my mind that was an overblown rhetorical soundbite which detracted from an otherwise convincing report (Brittan, 2000: 11).

Whether justified or not, it was not only the content of the Reports, but the language and tone in which it was presented which provoked the resignation of the Commission, making it imperative that the new College of Commissioners be appointed on the basis of a mandate to deal with the reform of the Commission as a matter of some urgency.

The New Public Management

The reform of the Commission is not merely a reaction to administrative weaknesses within the Organisation; nor is it merely a knee-jerk response to the resignation of the Santer Commission. It is also part-and-parcel of a wider trend in public sector reform. This trend has seen the replacement of traditional ‘public administration’ with what is termed either the ‘new managerialism’, ‘entrepreneurial governance’ or, more commonly, the ‘new public management. The new public management is not a theory of public administration as much as a new set of ideas (Mathiasen, 1999: 90). It is a reflection of changes empirically witnessed, translated in some cases into a set of normative tests than can be applied to any particular case. It is demand-driven, in the sense that ‘it is a reaction to public perception that government was in various respects too expensive, ineffective, unresponsive, or all three’ (Mathiasen, 1999: 91). Yet what these tests are, specifically, is not always clear. In general terms, the new public management would seem to imply:
…that management ideas, derived largely from the private sector, have replaced the concepts of traditional public administration. While these changes have been justified in the name of the “three Es” – economy, efficiency and effectiveness – they have also had profound effects on the role of administration in making public policy and in the status of public servants. In particular, even more so than hitherto the job of the public servant has become running an organization efficiently, rather than participating in policy decisions (Peters and Wright, 1996: 629).

There is more to it than this however. The new public management places more emphasis than in the past on outcomes and results, rather than inputs. It abandons the traditional focus on central (or national) government, replacing centralised hierarchical structures with decentralised management environments (or networks); it allows for alternatives to direct public provision and regulation where such approaches might be more cost-effective; it places greater emphasis on transparency and accountability through reporting requirements; it focuses more on efficiency in services provided, introducing productivity targets and creating competitive environments within and among public sector organisations; it enhances the strategic guidance (or steering) role of the centre in a more flexible and less costly manner than before; it focuses attention on the matching of authority and responsibility as a key to improving performance; it rejects the relevance of formal boundaries between private and public institutions; and it supports the introduction of service-wide budgeting and management systems to support and encourage these changes (Mathiasen, 1999: 90 and 92-3).

In much the same vein, Peters and Wright identify how the assumptions underpinning the ‘old’ public administration are being swept away to be replaced by a new set of assumptions. Thus, the assumption of self-sufficiency has been undermined by policies of sub-contracting, privatisation and competition; the assumption of direct control is ‘now being reassessed in the light of ideas about “empowerment” involving the granting of increased organizational power to both employees and clients of public organizations’ (p. 632); the assumption of uniformity, that is, that all citizens should receive equal benefits from the state and bear equal burdens to support it, is being swept away by pressures for decentralisation and deconcentration; the assumption of accountability upward is being undermined by the proliferation of semi-autonomous agencies and the blurring of traditional lines of responsibility; the assumption of standardised establishment procedures are being undone by
performance-related pay, and other reward schemes based on merit; and the assumption of an apolitical service is being undone by an awareness that administrations, whatever their guise, are rarely ‘neutral’.

Granted, not all of these ‘old’ assumptions fit well with all models of European public administration and there are some quite broad generalisations here. But the authors have attempted to pin down some of the dramatic changes taking place within the public sector. Moreover, they recognise that these assumptions do not necessarily reflect the reality of public administration. What they are depicting, however, is a general trend. Clearly ‘The movement from old public administration to the new public management has varied in timing, pace and intensity across developed countries. Constitutional, legal and cultural impediments have prevented its spread to several continental European countries’ (Peters and Wright, 1996: 638). Mathiasen (1999: 91), too, recognises that the applicability and effectiveness of these sorts of management concepts will vary considerably from country to country, and that this is not a set of practices that can be transferred with ease from one culture and political system to another. Indeed, it might be hypothesised that some cultures and countries will adapt to the new public management more easily than others. Where adaptation is more difficult, resistance or ‘foot-dragging’ is going to be more likely.

As a trend, there is a great deal in the new public management reflected in the current reform programme of the European Commission, although it has to be stressed that Commission reform involves much more than just the import of a pre-determined model. We might surmise then that the new public management is not simply being superimposed as a model upon the European Commission (Metcalf, 2000: 820). Indeed, it would be hard to define precisely what a new public management model would look like (other than a checklist of features as described above). Even so, there are certainly some similarities between the Commission’s reform proposals and the basic tenets of the new public management.

**Reforming the Commission**

After Romano Prodi had been appointed as Commission President, one of the first things he did was to nominate Neil Kinnock as one of his two Vice-Presidents, creating for the first time a Vice-President for Reform. While the illogical nature of this move has been criticised

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3 Mathiasen (1996:92) draws on information published by the Public Management Committee of the OECD in
by some (see Spence, 2000), it did send an extremely strong signal to the outside world about the priorities of the new President. Moreover, the symbolic importance of the choice of Kinnock as the person to take charge of reform did not go unnoticed. Like Prodi himself, Kinnock was associated with domestic reform, that is with the modernisation of the UK Labour Party.

Although Prodi did not become President until September 1999, the reform process was kicked into action as soon as he was nominated in June of that year. Even though there was a good deal of continuity over the course of 1999, as Prodi – and then Kinnock – picked up where Santer had left off, the pressure was on the Commission to act, and to be seen to be acting, to resolve the shortcomings identified in the CIE reports and elsewhere. The reforms, as they were initiated, were very much presented as a clean sweep, a new phase in the Commission’s history. The old discredited regime had gone, and a new more open and responsive phase in the Commission’s history was about to begin. While preparations were made to draft a Consultative, and then a White Paper on Reform to be launched early in 2000, the Reform Task Force began churning out documents which appeared for all to see on the Commission’s website.

The reaction to the reforms has been mixed. It is hard, if not impossible to find anyone now within the Commission or outside it who believes that reform is unnecessary. Particularly within the administration itself, there is an acceptance of the reform process as an important, if somewhat disruptive necessity. Where disputes do arise, however, is on two inter-related fronts: in the detailed substance of the reform plans; and in the way in which reform is being undertaken. In both cases the Unions are at the forefront of the criticisms, even if they are at pains to stress their support in principle for administrative reform.

On the first count, differences of opinion have been particularly acute over personnel policy matters, especially where these are likely to involve the revision of the Staff Regulation. Early in 2001, for example, after the Commission had released its proposals for the modernisation of pay and personnel policy (on 28 February), Alan Hick, the President of Union Syndicale, one of the six EU unions, criticised the conception of merit (on which promotion would be assessed) that Kinnock was proposing, with the crux of the disagreement revolving around the extent to which merit should be linked to time served within the organisation (rather than a narrower definition of performance) (European Voice, 15 March 2001: 13). On the second count, Kinnock has been attacked for his ‘method of fait accompli’,
that is, his tendency to reach decisions and have them approved by the College of Commissioners before entering into negotiations with the Unions. It was this approach that led to a ‘mini-strike’ in Luxembourg in February 2001 over the issue of transferring staff to Brussels, and which almost provoked a more widespread strike in mid-March 2001.

It is the White Paper which most clearly spells out the approach that the Commission is taking as it operationalises its reform ambitions. The Paper was released in March 2000, and now forms the framework within which more detailed proposals are being decided and negotiated (in that order the Unions would claim). It begins by establishing the premises upon which the reform agenda has been set. Thus,

A strong, independent and effective Commission is essential to the functioning of the European Union as a whole and its standing in the world. Fulfilling the tasks established by the Treaties requires substantial improvement in structures and in systems. Working practices, conventions and obligations that have accumulated over decades now inhibit the Commission’s effectiveness. Administrative reform will help the Commission to fulfil its institutional role as motor of European integration. It is thus a political project of central importance for the European Union’ (Commission, 2000: 5).

The White Paper also sets out the key themes that structure the reform process. It states that ‘The Commission … needs to be independent, accountable, efficient and transparent, and guided by the highest standards of responsibility’ (Commission, 2000: 5). It is only by working towards the application of these principles that ‘a culture based on service’ (p. 7) can be introduced to the Commission. It is by focusing on these themes and principles that a window is opened to the thinking of the Commission as regards the cultural change it would like to see emerge at the end of the reform process (Cini, 2001).

Independence is the first theme. The White Paper takes this to refer to the independence of the Commission from national, sectoral and other influences. ‘For the Commissioners and individual officials, it means that they shall neither seek nor take instructions from any government or from any other body’, and neither should those bodies seek to influence the Commission (p. 7). This really does no more than restate the Treaty provision, emphasising the premise on which the Commission does business. The second theme is Responsibility. Here a distinction is made between political responsibility which ‘lies with each Commissioner and, collectively, with the College’, and an administrative responsibility, which the White Paper calls ‘day-to-day management responsibilities’ and which rests with the Director Generals. This is a rather thin conception of responsibility,
though it does emphasise the importance of having a clear definition of tasks for both departments and individuals (p. 7). The third theme is Accountability, which the White Paper admits ‘goes hand in hand with the exercise of responsibility’. This is not only about the reporting of the Commission to the Parliament and Council, but also ‘exercising good stewardship of the variety of resources available to the Commission [which] means ensuring that they are used efficiently and effectively’ (p. 8). Indeed, efficiency in the fourth theme in the White Paper. In this context, the efficiency goal implies ‘the challenge of ensuring maximum results with limited resources’, what economists would identify as productive efficiency. Emphasised here is the need to improve and simplify procedures, and decentralisation also gets a special mention as it ‘too can increase efficiency and, linked to a clear allocation of responsibility, will empower officials to exercise their own initiative (p. 8). The final theme is that of Transparency within the Commission, deemed a ‘prerequisite for the greater openness towards the outside world required in the Treaty’. The focus is on both ‘transparency internally in terms of communicating effectively at all levels, showing receptiveness to new ideas and taking a positive attitude to criticism; and externally as an organisation fully open to public scrutiny.’

There is no doubt that all of these concepts are important as principles underpinning the reform programme. However, two of them seem to be more than just principles, but reform objectives. These would seem to speak directly to the demands being placed on the Commission (as identified in the sections above). The first of these is efficiency. Efficiency (which in this paper is closely connected with effectiveness, being as much a political as an economic objective), is, as we have already seen, a principle goal of the new public management approach to public sector reform. It also addresses many of the perceived weaknesses or inadequacies within the workings of the Commission. This is something pointed out by Metcalfe (2000: 819) in developing his argument that operational efficiency inevitably prompts questions of policy effectiveness, and may not resolve the problems facing the Commission unless internal administrative reform is dealt with in a wider context of European governance. This is pivotal as inefficiencies prevent the Commission from completing to the best of its ability the tasks which are delegated to it by the member states. As Metcalfe has it, they prevent the emergence of effective governance (Metcalfe, 2000: 819).

4 Note that Metcalfe (2000) states that the reform is about ‘management’ and ‘accountability, though the emphasis of his article is on the former.
The second principle (or objective) is ‘responsibility’. Here too we might say that an absence of responsibility prevents the Commission from completing to the best of its ability the tasks delegated to it. But in this context the word *best* incorporates a moral dimension which is not present when we talk of efficiency goals. Here we are talking not of effective governance but of good or ethical governance.\(^5\) It would appear that the goal of responsibility speaks much more to the criticisms that were encapsulated in the CIE Reports, that is, those associated with the downfall of the Santer Commission. While this is explored further below, it is important to stress at this point that there is no hard-and-fast distinction to be made between, say, the DECODE Report and the CIE Reports. The difference is a subtle one, so that there are clearly criticisms of the Commission’s inefficiency in the CIE Reports and matters of responsibility (especially as regards financial management) raised in the DECODE Report.

Turning to the White Paper. at the centre of the reform programme is the focus on the prioritisation of ‘core functions’. These are taken to include ‘policy conception, political initiative and enforcing Community law’. With more than half of Commission officials engaged in managing programmes and projects, there is a need, it is argued, to concentrate more on ‘core policy objectives’. Non-priority areas need to be identified and resources reallocated where necessary. A judgement needs to be made as to whether the Commission’s resources are ‘commensurate with its tasks’. If they aren’t, the Commission will need to discontinue some of its work. This forms a first strand in the Commission’s reform programme. It takes the shape of the introduction of new ‘policy-driven decision-taking mechanisms’ involving the evaluation of results (p. 6). This section of the paper speaks directly to the efficiency goal.

The second and third strands are concerned with the creation of ‘optimal structures and systems for the deployment of its resources’; in other words, the management of human and financial resources. Changes in human resources policy are intended to ‘place a premium on performance, continuous training and quality of management, as well as improving recruitment and career development’ amongst other things (p. 6). As for financial management, an overhaul of the existing system is planned in order to introduce an effective internal control system which defines clearly ‘the responsibilities of each actor’ and which involves ‘regular checks by the new Internal Audit Service on the quality and reliability of

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\(^5\) Unlike Metcalfe (2000: 824), I would diagnose the Santer crisis as being an effect of not only a management deficit in the Commission, but of a wider crisis of legitimacy in the European institutions, and in European policy, though the two are inevitably linked.
each internal control system’ (p. 7). While these sections of the White Paper also have an eye on efficiency, they include a strong ‘responsibility’ dimension too. This can quite easily get ignored where commentators are closely involved in matters of conventional public management (though there is a literature on public service ethics which is relevant here). Thus the aim of the section that follows is to draw attention to a more ethical perspective on administrative reform.

**Responsibility and Reform**

Although the White Paper on Reform emphasises a number of themes or principles which form the basis of its goal of creating a culture of service within the Commission, the concept which is most pivotal to almost all of these themes is that of responsibility. This is the second reform track arising out of the roots of reform. Looking back to the early sections of this paper, we might posit in a rather over-simplified way that while the influence of the new public management, together with the identification of important weaknesses in the functioning of the Commission, have been felt most obviously in the focus on efficiency and effectiveness within the White Paper, the response to the resignation of the Commission in 1999, and the perceived delegitimisation of the organisation in the eyes of the European publics, has focused attention on a rather different set of issues, revolving around the concept of responsibility.

*The Concept of Responsibility*

‘Responsibility’ is without doubt a contested concept. It is a concept that can be used in many different ways, each of which makes certain assumptions about what is appropriate and acceptable conduct. In trying to unpack the concept, Bovens (1998) provides a useful framework for making judgements about this difficult concept within the context of complex organisations such as the European Commission. He begins by setting out the many different definitions of responsibility. There is ‘responsibility as cause’, as when we claim that someone or something was responsible for a particular outcome; there is ‘responsibility as accountability’, as when we might hold someone responsible for something; there is ‘responsibility as capacity’, as when an actor is in a position to exercise responsibility; there is ‘responsibility as task’, as when a responsibility refers to a particular competence or
function; and there is responsibility as virtue, as when we comment that someone has acted responsibly (Bovens, 1998: 24-26).

For his purpose of exploring responsibility in the context of complex organisations, Bovens contents himself with focusing on only two of these definitions in depth: those of responsibility as accountability, and responsibility as virtue. The first of these he calls ‘passive responsibility’ and the second ‘active responsibility’. Passive responsibility (or accountability) involves a calling to account after the event. Bovens states that the question to be asked in this category of responsibility is ‘Why did you do it?’ (1998: 27). With active responsibility, the emphasis lies much more in the present; on the prevention of unwanted situations or events. It involves behaving responsibly, or taking responsibility, and addressing the question ‘What is to be done?’ (Bovens, 1998: 27). He goes on to consider the links between the two forms of responsibility, noting that ‘responsibility as task’ is an important connective element between the two, and that: ‘The moral acceptability of the passive form will mostly be dependent on the availability of the active form. We will not easily accept the idea of bearing responsibility unless we have at our disposal the possibilities of behaving responsibly’ (Bovens, 1998: 27).

On what criteria might we be judged to be responsible? The answer for both the active and passive forms of responsibility is unclear, as there is often a blurring between the political, legal and moral dimension of the term. According to Bovens, however, it is possible all the same to identify a set of criteria upon which such a judgement can be made. Under the heading of passive responsibility, actors (whether individual or corporate) are rightly held responsible when a norm has been transgressed; when there is a causal connection between conduct and outcome; where there is blameworthiness (in that there must have existed the possibility of acting otherwise); and where there is a distinctive relationship with the agent (parent-child, minister-civil servant). The flip-side of these criteria are found when we consider what might constitute responsible conduct of a passive kind. In other words, we might say that an actor has behaved responsibly when he or she has demonstrated an adequate perception of threatened violations of a norm; when consideration has been given to consequences; where the actor in question is autonomous, in the sense of being in a position to act; where conduct has based on verifiable and consistent codes of practice; or where there is evidence that role obligations have been taken seriously. However, although this set of criteria is useful, it does not tell us anything about the norms or standards of conduct which are pivotal in making judgements of this kind.
There is more light shed, however, on how these active notions of responsibility are created. This tells us how one can ensure that actors within a complex organisation behave responsibly? The mechanisms involved are clear, according to Bovens.

By holding each other to account, people maintain a certain order and regularity in society. Norms are (re)produced, internalised, and, where necessary adjusted through accountability. The person held to account is told about the standards he must hold to and about the fact that in the future he may again … be called to account in connection with his conduct. … Active notions of responsibility are thus created, made explicit, or discarded in the process of calling someone to account. These notions, however, also cast their shadows ahead, they set the norms for future conduct and can thus play an independent role in the control of conduct (Bovens, 1998: 39).

In other words, it is through active responsibility that passive responsibility is created. Actors learn to be responsible, by internalising practices and procedures introduced to complex organisations through, for example, a process of reform.

*Responsibility as Accountability and Virtue*

As a framework for understanding the concept of responsibility within the Commission during the current reform process, Bovens conceptualisation is a helpful one. But how then is responsibility operationalised within the Commission’s reform process? When the Reform White Paper mentions the word ‘responsibility’, something it does quite regularly, it is generally referring to responsibility as or through accountability. At the heart of many of these references is the objective of devolving or decentralising authority – and doing so without risking administrative anarchy. Although administrative devolution is a basic tenet of the new public management, it is also in the EU context closely tied to the subsidiarity principle. As a consequence, decentralisation appears in many forms in the Commission’s literature, such as in the working papers associated with the forthcoming White Paper on Governance. Here decentralisation is divided into two types: vertical decentralisation, which involves out-sourcing, or the delegation of competencies to agencies and other outside bodies; and horizontal decentralisation, which has more to do with delegating enforcement back to member state authorities. In the Reform White Paper the equivalent term used is that of ‘externalisation’. In the reform context, a third closely related principle, that of decentralisation within the Commission refers to the delegation to officials of discretion or control over the policies they administer. Just as the Commission is accountable to the
European Parliament, but not directly controlled by them, the College will not seek to ‘command and control’ its employees in a direct and traditionally bureaucratic fashion. Rather, officials should be allowed to act freely, as members of a more humane (and less bureaucratic) organisation, which values them as individuals.

Clearly, all forms of devolution, decentralisation or externalisation need to be undertaken in such a way as to ensure that policy remains consistent, and that the system is not abused. Control is necessary even if it not control of a direct kind. Hence the need for certain constraints. The first of these constraints is institutional, taking the form of rules, operating procedures and working practices. These will ensure that officials and employees are clearly informed of their obligations (responsibilities) and of the penalties involved in failing to fulfil them. They will offer guarantees that discretion will not mean anarchy, providing a framework for officials telling that what is and what is not acceptable or appropriate behaviour. Moreover, improvements in recruitment and promotion procedures will help to ensure that ‘merit’ is the deciding factor in appointments, that the officials holding this discretion have the capacity to fulfil their obligations well.

These sorts of ideas come through strongly in the Commission’s Reform White Paper. For example, under the new human resources policy, the encouragement of a management culture within the Commission involves ‘introducing clearer rules and a better definition of responsibilities’ (p. 12); and the changes proposed to recruitment (p. 13); career guidance (p. 13), training (p.14), career structure (p. 14-15), performance appraisal (p. 15), and promotion (p.16) are concerned with ensuring that the most able officials advance within the organisation. They are also about clarifying and simplifying procedures where possible. Spelling out more clearly the rules on disciplinary procedures and on whistleblowing (pp. 17-18) also involves new rules and procedures all of which facilitate the decentralisation of responsibility in the three ways mentioned above.

These ideas are presented in an even more explicit fashion under the rubric of ‘audit, financial management and control’ (p. 19). This section of the White Paper identifies how ‘the system gives decision-makers a false sense of security, leading to a culture that “de-responsibilises” managers … The aim is to devolve controls currently under the responsibility of the Financial Controller to DGs so that Directors-General are made directly answerable for adequate internal controls in their departments and manager are made wholly responsible for the financial decisions they take (p. 21). In such a way, the Commission reform speaks directly to Bovens’ criteria for passive responsibility. Transparent procedures are put in place for occasions when norms are transgressed and rules broken. Causality between conduct and
outcome is clarified, but altering procedures and clarifying obligations; opportunities are provided for staff to ‘act otherwise’ – for example by reporting transgression, but also by allowing officials a certain discretion; and relationships within the organisation are also made more explicit. In sum, the introduction of more efficient, transparent, discretionary procedures all help to enhance accountability within the organisation. Active responsibility is expected to arise out of the application of passive responsibility (see Cini, 2001). It cannot be legislated for, but the assumption in the Commission documentation is that the habit of working within the new set-up will create a new set of values and assumptions with the organisation – a new culture, if you like – which will internalise practices and procedures, turning Commission officials into responsible organisational citizens.

**Conclusion**

What does the administrative reform of the European Commission tell us about European Union notions of good governance? If reform is about doing ‘less but better’ as Jacques Santer put it in the mid-1990s, then what, precisely, do we mean by better. This paper argues that good or better governance includes an ethical or moral dimension which will be ignored if only a narrow public management perspective on reform is adopted. Although there is more work to be done on the ethics of European governance (even as it applies to Commission reform), this paper has sought to draw attention to the concept of responsibility, which can help us to move beyond generalisations and platitudes about good or ethical governance towards an understanding of how such a concept might become operationalised within a reform programme. As the European Union itself addressing issues of European Governance (with the White Paper on Governance due in mid-2001) it is timely to remind ourselves of the ethical questions which, whether explicitly or implicitly, underpin such an exercise.
References


