

Toward European Integration in Public Administration and Public Services

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Abstract

The main purpose of this paper is to identify the problems associated with public administration, public services and the role public administrator when this process is guided by the principles of the European Union. Integration into the European Union, a long-awaited process and promoted in Albania, will have consequences in the political, economic, social life, and in the governance of this country. Public administration as an important link of the state governance and insight to citizens will certainly be affected by the integration process. The main purpose of this paper is to reflect and analyze how Public Administration works, and what is the heritage regarding Administration procedures and how to place first at the prospect of integration into the European Union. In this paper also aims to give a concise picture associated with public administrator performance and his role in providing public services. The goals of the research will be carried out between theoretical synthesis of the literature, legislation and reports. Main finding of this paper is the theoretical and practical approach about public services and public administration seen also from the European point of view.

Keywords: Public Administration, Integration, adaptation, public administrator

1. Introduction

That in 1980 public services are challenged by neoliberal views on the economy and the role of the state. On the other hand trying to integrate European economies has questioned the purpose of these services (Costa. O., Kaeding. M., (2014).. In an era when the facts are uncertain, values controversial, presence of high action and urgent decisions, the capacity of the public sector to provide innovative solutions will be crucial. The remodeling of the public sector to address complex and interrelated challenges must include and some license to innovate. Innovation as a matter of principle to be welcomed. Public servants need a safe space right innovation and a formal recognized what looks old or inefficient (Madelin. R., (2014). To answer in a timely and effective dynamism and such challenges should last beyond divisions proof sector, public and social. An innovative model for sustainable cooperation due to profitability and an increase social impact, is the model of co creation (co-creation). While it may seem obvious from an intellectual points of view, this model requires new forms of cooperation and cultural changes. This should be noted when a party has the same culture as another, it is still possible to develop more intelligent Solution Do and less costly, together contributing to a joint force for a partnership. . Although the world is changing at a speed and social challenges are becoming increasingly complex, new cooperative model is to enable convergence between public and private sector, thereby creating a platform for the ideals for the government to redefine its role and become more efficient while protecting the general good.

The public sector - such as public administration and the broader spectrum of public institutions funded by public funds - constitutes a significant part of the European economy, this represents almost a quarter of employment and half of gross domestic product. The public sector has long been associated with stability, but the financial crisis has been a harsh teacher for the European Union, making it obvious that the stability can be illusory. One against the background of looming budget cuts and social challenges as aging, climate change and youth unemployment, there is now an urgent need for public sector change. Innovation, which is about the return of fresh ideas in the economic and social value, the public sector can offer a practical way forward (Jan Smits. R. (2014). Public administrations in Europe are facing a number of significant changes challenging. Demographic changes are leading to a decline in population and the lack of skilled workers, including public sector. At the same time, the government's tasks are becoming increasingly complex and citizens are making greater demands on the quality of public sector services. The Gordian knot can be solved only through innovation that allows the public administration to provide high quality services in a more efficient manner. In this context very much promoted in solving problems associated with public administration, and public services is and digitization ii public services (Zypries. B., (2014).

Methodology

To realize this paper we have used secondary data. The theoretical framework was conducted by browsing the literature referring to these arguments, the practice is carried out referring to reports and concrete practices. For each of the issues under discussion was conducted a comparative theoretical interpretation and practice. At the end of the paper reached some conclusions recommending nature.

Research questions

This work is accomplished by orienting in giving response to some questions.

What is the philosophy of offering Public Service and Public administering, or change it in our case when the subject of the EU integration process? How should management oriented organizations and public services in order to comply with EU criteria and standards?

Theoretical Approach Management and Public Services Organizations

Dixit (2002) highlights two important issues about public sector activity. The first was the fact that the activity of public organizations to life products and services, which address not only the general public but also more unique users and not massive as the general public. Even public services address themselves politicians or political leadership of the country. The second is a consequence of the first. Its activity has public organizations to achieve multiple goals and objectives often conflict with each other. For example it is expected that they simultaneously increase the efficiency, the effectiveness, but on the other hand must also ensure equal benefit of public services and public service delivery to the final customer in need. These issues demonstrate the difficulties that performance management of public services or services of general interest in this way of public organizations. These two features, so, the extent of large, even massive geographical public service and often conflicting objectives to be achieved by the provision of public services, makes it impossible to effect the incentives that could be used in the public sector cannot have effect as high as what was in the private sector.

During and after the 90s in what became known as "new public sector", many services in advanced economies were under pressure as efficiency and effectiveness, as well as the reduction of requirements against taxpayers, without reducing the volume production or the quality of public service. Thus the concept of organizational performance and its measurement is of great interest, as to the public or stakeholders, as well as for competition (Brignall, S., Modell, S., (2000).

According to many considerations, organizational performance includes actual output's measured against planned output. This is one of the simplest definitions, more general, but also more comprehensive organizational performance. Organizations, as well as by this definition, there are exceptions and public organizations. The main purpose behind the definition is to measure its performance and after the measurement, its improvement. Measures which are not directly related to performance improvement (for example: improving communication with the public to build trust) actually are tools through which it aims to achieve the ultimate goal. Organizational performance includes some specific areas (a) financial performance (b) the performance of the product market (c) return of the shares. To assess how well they are performing a public sector unit, often called and public agencies, managers must determine what it had planned to meet agency (Behn, R. D., (2003).

An important perspective is given by the institutional theory, the performance can be seen as institutionally defined as institutional factors that determine the interest to be followed by the organization. Briefly argued (Brignall, S., Modell, S., (2000) overall performance, from the perspective of institutional theory can be defined as: (a) the domination of elites in organizations, (b) where there is a high professionalism and (c) the organization performs a technical function, outcomes (outputs) of which they are measurable. The performance can be interpreted more broadly, as (a) the rate of operation of democratic government, sometimes in a formal structure or rules of an organization (b) recognition of different interest costs and (c) the functioning of the organization is non-technical and results (output s) avoid measurement. As mentioned above organizational performance, in particular the public, seen as effective and efficient production of public services, implying different sources, such as: people, technology and various capital assets (Brignall, S., Modell, S., (2000).

In his book "Managing Public Organizations" author A. Ceni (2011) public organizations often sees in parallel or in analogy to public services. In this way the public service gets a sublime importance, because it is the face of the organization. Afterwards, given that the service carries the property of simultaneity, so the, produced and consumed at the same time and above all, because public organizations produce public services that address a broad population and which should benefit everyone.

Public services from the European Union point of view

In 2009 the Treaty of Lisbon recognized the specific mission of services of general economic interest and their role in promoting social and territorial cohesion, but not properly defined what public services. Also during the financial crisis that began in 2009 it has raised the question of financial sustainability of public services as conceived in Europe and called for drastic reforms in many countries (Costa. O., Kaeding. M., (2014). However the treatment of public services from the point of view of European constitution is their orientation, interest, so it is suggested removing the word "public" and their determination as general interest services and services of general economic interest (Art. 14 of the Treaty Lisbon and Art. 2). In fact in the jargon of the literature discussed by various authors also found two other definitions that are exactly Services of General Interest Non-Economic and Social Services of General Interest. While first determining therefore uneconomical Services General Interest found support in the European Constitution (article no. 36, Protocol no. 26), for determining second only interpretations. However, definitions are not synonymous with one another but define a category of public services even though the boundaries are fluid. Being a public service of general interest therefore not related to whether the service is provided by public or private sector but the fact that it should benefit all of the public in need. So there should be opportunities for the service to catch up to the last individual, to the classification of education as a service of general interest to exclude it from the rules of free competition (ETUC 2007). Service of general interest should be guided by the principles of equal access, continuity, security, adaptability, quality, efficiency, affordability (affordability), transparency, protection of groups of marginalized users and consumer protection and environmental and civic participation.

In principle the national public interest should generally be in line with market freedoms of the EU and competition law because the latter generally result in lower prices and greater choice for consumers. This is, after all, the goal of having the freedom to market and competition rules in the first place. However, where market failure can lead to suboptimal provision of public goods cannot be a case for public intervention towards the establishment of universal service obligations in one or more undertakings that are active in the market as the provider (s) recently. Even in this case competitive provisions within certain limits may be feasible and should be considered within the context of SGEI - not least, in order to meet the required standards of proportionality (Sauter. W., (2008). Some of the key principles of the approach of the European Commission in relation to services of general interest are (Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 12 May 2004 entitled "White Paper on services of general interest" [COM(2004) 374 final) :

Enabling public authorities to operate close to citizens: Community policies on services of general interest are based on various degrees of action and the use of various instruments, in accordance with the principle of subsidiarity. Achieving the objectives of public services in competitive markets open, an internal market open and competitive, on one hand, and development of high quality services accessible and affordable to the general interest, on the other, are compatible objectives . Ensuring cohesion and universal access: Access to all citizens and enterprises to affordable, high quality services of general interest throughout the territory of the Member States is essential for the promotion of social and territorial cohesion in the European Union, including the reduction of obstacles caused by lack of access to the outermost regions. Maintaining a high level of quality, safety and security: the Commission wishes to guarantee, in addition to supplying high-quality services of general interest, the physical safety of consumers and users, everyone involved in the production and provision of these services and the public in general and, in particular, to provide protection against possible threats such as terrorist attacks or environmental disasters. Ensuring consumer and user rights: These include, in particular, access to services, in particular cross-border services, throughout the territory of the Union and for all groups of the population, affordability of services, including special schemes for persons with income low physical safety, security and reliability, continuity, high quality, choice, transparency and access to information from providers and regulators. Monitoring and evaluating performance: The Commission takes the view that systematic evaluation and monitoring is vital for maintaining and developing high-quality, accessible, affordable and efficient services of general interest in the European Union. The evaluation should be multidimensional and focus on all the legal aspects, economic, social and environmental.

It should also take into account the features of the sector evaluated and situations specific to the various Member States and their regions. Respecting the diversity of services and situations: The diversity of services must be maintained because of the different needs and preferences of users and consumers resulting from different economic situations, social, geographical or cultural. This is true in particular for social services, health care and broadcasting. Increasing transparency: The principle of transparency is a key concept for the development and implementation of public policies regarding services of general interest. This ensures that public authorities can exercise their responsibilities and that democratic choices can be made and respected. The principles should apply to all aspects of delivery and cover the definition of public service missions, the organization, financing and regulation of services, as well as their production and evaluation, including complaint-handling mechanisms. Providing legal certainty: The Commission is aware that the application of Community law to services of general interest could raise complex issues. So we will pursue an ongoing project to improve legal certainty regarding the application of Community law, the provision of services of general interest. It has already accomplished the modernization of the existing public procurement rules and initiatives in the field of state aid and public-private partnerships.

Following the application of several principles in the provision of public services (COCOPS Executive Survey on Public Sector Reform in Europe Research Report, May 2013, Coordination for Cohesion in the Public Sector of the Future (COCOPS): www.cocops.eu) to a study made public managers interviewed in 10 European countries, about 4814 interviews have proved valuable for further processing and as regards the question of public services and priority to be met by these services is provided in the following table where as can observe the highest average keeps the principle of "focus on the customer", or as it actualized as client oriented service, in this case by the public.

Table 1 Source COCOPS WP3 Survey Research Report - May 2013 page 43

23. Public services often need to balance different priorities. Where would you place your own position?

	1	2	3	4	5	6	7		N	Mean
Quality	7.9%	15.9%	17.7%	26.2%	16.1%	11.0%	5.2%	Efficiency	4017	3.80
Equity	11.5%	19.2%	16.2%	22.5%	15.8%	10.5%	4.2%	Efficiency	4010	3.61
Following rules	6.9%	10.1%	11.2%	22.5%	20.6%	19.6%	9.1%	Achieving results	4007	4.35
Customer focus	5.3%	13.0%	10.0%	23.3%	14.6%	20.5%	13.3%	Citizen orientation	3964	4.44
State provision	14.4%	21.8%	17.3%	26.1%	11.1%	7.3%	2.0%	Market provision	3985	3.27
Tax financed services	10.7%	17.5%	15.0%	30.1%	13.7%	10.2%	2.8%	User charges / fees	3971	3.61

The views of the European Union for Public Administration

Membership in the European Union requires that every administrative domain and industrial sector of a Member State to comply with the *acquis communautaire*. For example, if an industry in a candidate country is to survive beyond the day of accession, it has to meet all the requirements of the *acquis*. If not, the industry will not be able to export its products to other Member States. In fact, they will not be able either to trade within its domestic market. The national public administration institutions of the Member States of the EU to implement and enforce the *acquis communautaire*. To be able to do anything of the same public administration of a candidate country must adhere to the general principles of good governance and meet the administrative standards defined within the EU. Implementation of the *acquis* in an administrative domain is of course a matter of capacity and resources within the relevant sector - but not only that. General systems horizontal governance a candidate country must meet the requirements of the EU, since they are crucial for reliable operation of the administration, including the areas of the *acquis*. The lack of general legislation applicable EC in the fields of public administration and administrative law poses a problem for candidate countries. Candidate countries must have administrative systems and public administration institutions capable of transposing, implementing and applying the *acquis* according to the principle of "obligatory results" ("obligation de Robinson"). Candidate countries must fulfill the criteria required for EU membership, as adopted by the European Council in Copenhagen, Madrid and Luxembourg. In addition, candidate countries' progress will be measured against those criteria, so in formulating regular reports to the European Commission, in terms of their "administrative and judicial capacity to apply the *acquis*", which implies that their performance will be evaluated against European administrative standards (OECD (1999). Some of these principles are: principles of administrative law, Although the expression and concepts of administrative law (Verwaltungsrecht, *droit administrative*)

differ from one national system to another, it is possible to agree on a common definition of administrative law as a set of principles and rules applying to the organization and management of public administration and the relations between the administration and citizens. The principles of administrative law, reliability and predictability, openness and transparency, accountability, efficiency and effectiveness.

Western European countries have, for a long time now, recognized the fact that management standards and performance of public managers are critical to success as the overall performance of public administration and efforts of public administration reform. Improving the performance of public administration means seeking better standards of efficiency and effectiveness within the rule of law. This usually requires delegation and devolution of responsibilities in favor of public managers, accompanied by *ex ante* and *ex post* control mechanisms. In such a situation, the quality of public managers, vested with these public powers, becomes of great importance. Moreover, when national policy-making becomes more complex and increasingly exposed to international coordination, as is the case in all member states of the EU, the need for senior public managers, with broad perspectives and the ability to coordinate their work on two levels, national and international institutions, becomes even more apparent (OECD (1999). Values and Principles of the Civil Service are legally binding. The civil service is bound by the principles enshrined both in constitutional arrangements and in administrative law. From this perspective, it can be said that civil service values are legal values. Legal values are not the same as ethical values, even if they can broadly overlap. Ethical values are guides for action, and their breaching deserves social reproach. Legal values, when breached, have legal consequences through the disciplinary provisions of the Civil Service Law. Civil servants are bound by the administrative principles established in legislation.

Public Administration in Albania

Public administration functions on the basis of statutes that in Albania are classified into: the civil servants, employees of special status to rely on specific laws and contractual status guaranteed by labor law or by collective agreement. By statutes which belong derived legal frameworks and deadlines recruitment manner of recruitment, increase in duty or the way of remuneration. Several authors maintain that status that enjoys public official does not allow a manager to achieve efficient and effective management of human resources, management often focus more on administration than management, which is a problem for increasing the efficiency and effectiveness of human resources (Ceni, A. (2011). Following the same approach variables such as remuneration, recruitment or dismissal are fixed by law and cannot be accomplished more by the manager, on the other hand the impossibility of implementing the policies of motivation is an obstacle in the public sector, the judgment is based on the existence of general rules of compensation, nominating and other motivational factors which to some extent prevent differentiation or individualization of bonuses. For some of the practices of human resource management are defined in these statutes or legal platform not only deadlines but also other milestones can become an obstacle to the use of these practices as a tool to improve performance. If we refer to civil servant status (Law 8549 of 11/11/99) or Cross Strategy of Public Administration Reform (2009-2013), we see a restructuring of some human resources practices. Regarding recruitment besides setting defined time limits placed the applicant assessment components and corresponding distribution percentages. On the other hand determined the condition for promotion presentation of four internal candidates or external. In connection with parallel movements set period of probation condition after movement although positions can be the same. While the performance of the performance evaluation process remains problematic, the lack of connection of this process with any reward or career growth opportunities to discourage the commission of a serious and objective assessment. In the same way expressed crosscutting strategy for training, not their link any special testing, performance evaluation or reward reduces their efficiency. Also payment structure is defined, the Albanian public administration as hers objective unification of salaries and wages, the main principle is "the same responsibility and the same salary". The lack of flexibility in the management of human resources hinder the effective management and this refers mostly legal platform and inflexible civil service regulations (Strategjia ndërsektoriale e reformës në administratën publike, (2009-2013). p 9 – 12).

Civil Service currently applies a new law adopted in 2013, the overarching law whose adoption was one of the most important EU integration. This law is aimed at creating a stable civil service, professional, merit-based, moral integrity and political impartiality. The draft fix this at all levels: at the level of senior management officials will necessarily pass through ASPA's and special occasions through a competition organized by a National Selection Committee that is independent; and executive level, the recruitment of employees is projected to become general through a national competition, where for the first appointment in the administration will be done by referring to the final evaluation classification, unlike now where competitions are organized by position and the right has superior selection between one of three finishers.

Public administration, reform in Albania is a necessity and should be an ongoing process closely linked to the process of European integration. Current challenges facing this reform currently are: Consolidation of the Framework of the Integrated Planning System, establishment of information systems to the components of IPS, raising the actors capacity the preparation and monitoring of strategies and legal platform launched which operate , capacity building and operation of GMS-s as management coordinating structure within each ministry, inter-ministerial coordination, functional description mandates and working within organizational units, performance monitoring, wide discussion strategies, impact assessments¹.

Conclusions

Public services are a still undetermined space also clearly in the context of the European Constitution. Starting from the definitions or definitions for public services of interest to them as well as their method of delivery. The actual division of public services according to the European constitution may even overlap them, and does not share the approach of providing their public or private sector. Regarding our situation regarding public service we can say that currently there is a sufficient range of public services that can benefit the public, but very few of them are organized in such a way as to be easily understandable and usable from it. Spending too much time in obtaining the service and this process is characterized by bureaucracy, so it can often be encountered corrupt acts.

In the philosophy of the work of public administration should be simplifying service delivery and citizen life, this taking up a friendly demeanor access to. To achieve this practice among which managed the performance of public administrator should be more flexible, in order to reflect this way of providing public services. Adoption of the Law on the Status of Civil Servants in 2013 is a very important step that shows the beginning of a new era in the public sector, the cessation is very important that this law be translated properly and well reflected in the statutes, regulations or administrative culture public Organizations, in order not to lose its added values from the previous law and can be used efficiently to improve the performance of public administrator.

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