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**FROM NATIONAL SOVEREIGNTY TO
NEGOTIATION SOVEREIGNTY
“Days of Law Rolando Quadri”**

**DALLA SOVRANITÀ NAZIONALE ALLA
SOVRANITÀ NEGOZIALE
“Giorni del Diritto Rolando Quadri”**

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PUBLIC SERVICE AND HUMAN RESOURCES MANAGEMENT STANDARDS IN 2023 PRINCIPLES OF PUBLIC ADMINISTRATION – SOMETHING OLD AND SOMETHING NEW?*

Abstract

The objective of the paper is to examine what are the key novelties in the SIGMA/OECD Human Resources Management (HRM) standards set out in the 2023 edition of the Principles of Public Administration. The public administration reform values contained in the revised version of the Principles have become new benchmarks against which the progress in public administration reform will be measured in the EU acceding countries. The author concludes that a new edition of the Principles of Public Administration from 2023 imposes fewer rules while requiring better practices and results in the analysed areas of public service and HRM, taking into account emerging social context changes (i.e. digitalisation, need for more flexibility in working arrangements etc.) which is a welcome development. The Principles also demonstrate a gradual change of the requirements of the EU for accession to potential member states in the field of public administration, from "check-box" approach towards assessing the effects of the reform in practice. The question, however, remains to which extent the new version of the Principles will be able to exert pressure on public administration reform efforts in the acceding countries, especially in politically sensitive areas such as civil service politicisation. The author concludes that this will largely depend on the EU's decision on "what matters most" in the accession process and the ability of the acceding countries to apply and internalize key Principles' values, such as professionalism, integrity and neutrality.

Keywords: *public service, human resources management (HRM), Principles, Public Administration, SIGMA/OECD, European Union*

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STANDARDI UPRAVLJANJA LJUDSKIM RESURSIMA U PRINCIPIMA JAVNE UPRAVE (2023) – NEŠTO STARO I NEŠTO NOVO?

Apstrakt

Cilj rada je da se ispita koje su ključne novine u standardima upravljanja ljudskim resursima u Principima javne uprave koje je pripremila Sigma/OECD 2023. godine. Vrednosti reforme javne uprave sadržane u revidiranoj verziji Principa postale su nova merila prema kojima će se ocenjivati napredak u reformi javne uprave u zemljama koje pristupaju EU. Autor zaključuje da novo izdanje Načela javne uprave iz 2023. nameće manje pravila, ali u isto vreme zahteva bolju praksu sprovođenja i rezultate u analiziranim oblastima javne uprave i upravljanja ljudskim resursima, uzimajući u obzir promene društvenog konteksta (npr. digitalizacija, potreba za većom fleksibilnošću u radnom angažmanu itd.). Principi takođe pokazuju postepenu promenu zahteva EU za pristupanje potencijalnim državama članicama u oblasti javne uprave, od pristupa „čekiranja” ka proceni efekata reforme u praksi. Ostaje, međutim, pitanje u kojoj meri će nova verzija Principa moći da izvrši pritisak na napore u reformi javne uprave u zemljama koje pristupaju EU, posebno u politički osetljivim oblastima kao što je politizacija državne uprave. Autor zaključuje da će to u velikoj meri zavisiti od odluke EU o tome „šta je najvažnije” u procesu pristupanja i sposobnosti zemalja pristupnica da primene i internalizuju ključne vrednosti Principa javne uprave, kao što su profesionalizam, integritet i neutralnost.

Ključne reči: *javna uprava, upravljanje ljudskim resursima (HRM), Principi javne uprave, Sigma/OECD, Evropska unija*

1. Introduction

The European Union has recognized the importance of the existence of professional national public services' systems with adequate capacity ever since the establishment of the EU single market in 1993. Until then, the regulation of administrative systems was fully under the competence of the EU member states. After the establishment of the Single internal market and the monetary union, however, the quality of the administrations of the member states became the subject of discussion first among the member states themselves. In addition, the perspective of the accession of a large number of Central and Eastern European countries to the EU gave an additional incentive to politicians in the EU countries to develop a dialogue about what kind of administrative systems the potential member states need to have in order to function effectively and within the supranational, European level.¹

In the process of accession to the EU, candidate countries became obliged to adhere to the general European principles of public administration, which were developed by the SIGMA programme² in the end of 1990s.³ These common principles of public administration included elements such as reliability, predictability, accountability and transparency, as well as managerial competence, organizational capacity, financial sustainability and citizen participation in the decision-making process.⁴ At the same time, it has been acknowledged both in the academic literature and professional circles that in spite of existing differences in institutional configurations, there is a degree of administrative convergence among member states at least at the level of general principles, which was reflected in the emerging concept of the "European Administrative Space".⁵

In 2014, SIGMA/OECD programme prepared a document called "Principles of Public Administration", which for the first time outlined in more detail general principles/standards in key horizontal areas of public administration.⁶ In order to be able to monitor progress in achieving the principles set out in the Principles more effectively, SIGMA further developed a document called "Methodological Framework", which

¹ T. Verheijen, A. Rabrenović, "Civil Service Development in Central and Eastern Europe and the CIS: A Perfect Storm?", in: *Comparative Civil Service Systems in the 21st Century* (F.M. van der Meer, J.C.N. Raadschelders, Th.A.J. Toonen eds), Palgrave Macmillan, London, 2015, 15.

² SIGMA/OECD is a joint programme of OECD and European Union, funded principally by the EU.

³ SIGMA/OECD, "European Principles of Public Administration", *SIGMA papers*, No. 27/1999, OECD publishing, 1999.

⁴ *Ibidem*.

⁵ J. Trondal, G. B. Peters, H. C. H. Hofmann, "Mapping the European Administrative Space", *West European Politics*, 31:4, 2008, 662; I. Koprivic, "European Administrative Space – Myth, Reality and Hopes", in: *European Administrative Space: Spreading Standards, Building Capacities* (I. Koprivic, P. Kovač eds), 32-35; "Z. Vukašinić Radojičić, *Evropski službenički sistemi*, Kriminalističko-policijska akademija, Beograd, 2013.

⁶ The horizontal areas included: (1) strategic framework for public administration reform, (2) policy development and coordination, (3) public service and human resource management, (4) accountability, (5) service delivery, and (6) public financial management (PFM). SIGMA/OECD, *The Principles of Public Administration*, OECD publishing, 2014.

contains a comprehensive set of indicators for monitoring and evaluating the state of public administration in relation to the standards outlined in the Principles of Public Administration,⁷ which was revised in 2019.⁸ SIGMA also updated its Principles of Public Administration in 2017,⁹ but the extent of changes for not remarkable.

It can be argued that the Sigma Principles of Public Administration represent the so-called "soft aquis communautaire", which constitute the common standards of EU member states, and which indirectly influence the development of the EU acceding countries national law (Keune, 2009, p. 52).¹⁰ Although not legally binding, these standards can have a significant practical impact on countries aspiring to EU membership, as the European Commission uses them as benchmarks to assess progress towards membership in its annual and periodic reports (Vranješ, 2021, 42).¹¹

Almost a decade later, in November 2023, SIGMA/OECD issued a new version of Principles of Public Administration, which contains somewhat refined public administration values, which shows that evolving nature of the European public administration reform standards. The new edition of the Principles comes shortly after the EU's revised its enlargement methodology adopted in 2020, which puts the public administration reform within the "fundamentals cluster" at the core of the accession negotiations (European Commission, 2020, p. 3).¹² This means that public administration reform will be the subject of negotiations on the fundamentals, which will be opened first and closed last, placing an additional emphasis on the need for acceding countries to observe standards of good public administration. The new version of the Principles also takes into account the recent social developments, such as the importance of fully embracing the potential of digitalisation and lessons learned during the COVID-19 pandemic, which implied the need for strengthening agility and robustness of public administration systems while at the same time increasing the flexibility of working arrangements.¹³

The new version of the Principles inherits the previous SIGMA "core assessment" system, which reviewed the quality of public service and public management systems

⁷ SIGMA/OECD, *Methodological Framework for the Principles of Public Administration*, OECD publishing, 2017.

⁸ SIGMA/OECD, *Methodological Framework for the Principles of Public Administration*, OECD publishing, 2019.

⁹ SIGMA/OECD, *The Principles of Public Administration*, 2017.

¹⁰ M. Keune, "EU Enlargement and Social Standards – Exporting the European Social Model?", in: *The European Union and the Social Dimension of Globalisation, How the EU Influences the World?* (J. Orbie, L. Tortell eds), Routledge, 2009, 52.

¹¹ N. Vranješ, "Analiza usklađenosti razvoja javnih politika u zemljama Zapadnog Balkana sa standardima Evropske unije", *Strani pravni život*, God 65, br. 1/2021.

¹² European Commission, *Communication from the Commission to the European parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Enhancing the Accession Process - A credible EU perspective for the Western Balkans*, Brussels, 5.2.2020 COM(2020) 57 final, access: 5 July 2024.

¹³ SIGMA/OECD, *The Principles of Public Administration*, OECD publishing, 2023, 8, <https://www.sig-maweb.org/publications/Principles-of-Public-Administration-2023.pdf>, access: 15 June 2024.

based on a set of principles and sub-principles, related to the six core horizontal functions of public administration. The names of these thematic areas are slightly revised and read as follows: 1) Strategy; 2) Policy Development and Coordination; 3) Public Service and Human Resources Management; 4) Organisation, Accountability and Oversight; 5) Service Delivery and Digitalisation; 6) Public Financial Management. The Principles are based on existing EU acquis, OECD legal instruments and other international standards and good EU and OECD practices.¹⁴ Altogether, the document contains 32 Principles values, behaviours and outcomes and 270 sub-principles, which provide more detailed information on how to achieve its values and results. Another novelty is that the 2023 Principles also extend their scope beyond central government and include regional and local government levels of administration.¹⁵

The objective of the paper is to assess what are the key changes in the SIGMA/OECD and EU approach with respect to a selected number of Public Service and HRM standards set out in the 2023 edition of the Principles of Public Administration in comparison to the previous versions of the Principles, to identify what is “old” and what is “new”. The author shall use normative legal method to identify the changes in the new version of the Principles and sociological method to attempt to identify why these changes in the HRM values were made and whether they are justifiable, given the emerging social context over the past decade.

In order to achieve these objectives, the paper shall be structured within two key parts. The first part shall analyse the new edition of the Principles of Public Administration, especially the section on Public Service and Human Resources Management and point out to the key changes in the SIGMA/OECD approach when assessing the readiness of acceding countries with respect to public administration reform. In the second, concluding part of the paper, the author shall attempt to draw conclusions on the substance of the Principles’ changes and try to estimate the effectiveness of the revised document, i.e. to which extent it can be expected to make tangible practical effect on the further PAR process in the accession countries.

2. What is “old” and what is “new” in SIGMA 2023 Principles of Public Administration regarding Public Service and Human Resources Management?

The new Principles’ edition first defines the key values of the Public Service and Human Resources Management area, which are professionalism, integrity and neutrality. The Principles require public servants to “act with professionalism, integrity and neutrality”. Furthermore, they require that public servants be “recruited and promoted based on merit and equal opportunities and have the right competencies to deliver their

¹⁴ *Ibidem.*

¹⁵ *Ibidem.*

tasks effectively”.¹⁶ Unlike the previous version of the Principles which contained seven principles in the area of Public Service and HRM, in the new Principles edition, the number of principles in this area has been reduced to five and encompasses principles 8, 9, 10, 11 and 12. Due to a limited scope of this paper, special attention shall be placed on the first three principles in the area of Public Service and HRM, which cover: principle 8 (the employment framework, accountability of public servants and their protection against undue influence and wrongful dismissal), principle 9 (public servants’ recruitment and selection) and principle 10 (effective leadership of top management).

2.1. Principle 8:

The employment framework balances stability and flexibility, ensures accountability of public servants and protects them against undue influence and wrongful dismissal

The new version of the Principles emphasizes the need of finding a balance between stability of public servants’ employment framework and ensuring their accountability.¹⁷ Although the previous versions of the Principles did contain similar elements, the importance of this balance was not so clearly emphasised. In order to ensure public service stability and professionalism, the Principles require that public service legislation contain objective legal criteria for public servants dismissal and/or demotion, which could be done only in a due legal process that includes a judicial review proceedings.¹⁸ On the other hand, in order to ensure accountability for their work, public servants should be subject to ethical and disciplinary procedures and should be held liable only in cases when misconduct is proven in a due process.¹⁹

Another novelty of the Principles is a requirement that public servants have the right to reject unlawful instructions. Introduction of this new standard should not be surprising given that a growing body of research regarding the right to reject unlawful instructions was conducted over the past few years.²⁰ This research was initiated and supported by the Norwegian Center for Integrity in the Defence Sector (CIDS), which recognised the problems which public servants face upon receiving unlawful instructions in their everyday work. Although most civil service laws in the countries in the Balkan region do contain provisions related to the unlawful superiors’ instructions, this principle is not often observed in practice.²¹ For this reason it is indeed very important to require that this right is observed and encourage acceding countries Governments to

¹⁶ *Ibid.* 10.

¹⁷ *Ibid.* 22.

¹⁸ *Ibid.* 22.

¹⁹ *Ibidem.*

²⁰ V. Ćorić, *Improper Superior Orders, An Analysis of the Regulatory Frameworks in Selected Western Balkan Countries*, Institute of Comparative Law, 2022, Belgrade.

²¹ A. Rabrenović, J. Kostić, M. Matić Bošković, “Open Dilemma: How to React to Illegal Orders From a Superior?”, in *Integrity and Good Governance in the Western Balkans*, (Rabrenovic, Knezevic Bojovic eds), RESPA, Danilovgrad, 2018, 304-305.

establish proper mechanisms for public servants which they could use against undue political and other interference in their professional judgement.²²

The new Principles edition pays special attention to an issue of temporary employment, which has become one of the most perennial problems in public services of some Western Balkan countries. Namely, civil service legislation of some countries (i.e. Serbia) provide a possibility of temporary employment, where a person can enter the civil service usually for a limited period of time, in which case there is no hiring procedure which guarantees respect of a merit principle.²³ It is also not rare that a person stays at this temporary position for a longer period of time than initially envisaged.²⁴ The usual practice is that after a person in a temporary position is hired and gains certain skills, he/she undergoes competition procedure and has an advantage in the competition procedure. In order to avoid these types of situations which circumvent the use of the merit principles, the Principles emphasise that temporary employment should be used only in justified situations and within reasonable time limits.²⁵

Some of the standards that has been featuring in the previous and the current version of the Principles is an adequate material, horizontal and vertical scope of the public service and existence of the clear public service policy.²⁶ As the horizontal scope of the public service has proved to be one of the key issues in the Western Balkan countries, we shall devote more attention to this particular issue.

Adequate horizontal scope of the public service assumes that key public service institutions and their personnel are covered by the public service legislation in order to ensure that merit-based recruitment and promotion exists throughout the civil service. The scope of the public service law varies, naturally, from country to country.²⁷ In some Western Balkan countries where groups of public service institutions are not covered by the general civil service legislation (e.g. tax and customs administrations and/or regulatory agencies in Serbia, Montenegro, North Macedonia), there is a risk that merit based recruitment and professional development procedures will not be observed.²⁸ This may especially be the problem with institutions which have a high number of employees, such as tax or customs administrations, or ministries of foreign affairs, which often have separate legislation that covers, *inter alia*, human resources management issues. If this is the case,

²² V. Ćorić, *ibid.*

²³ A. Rabrenović, M. Matijević, "Izazovi procesa zapošljavanja državnih službenika u zemljama Zapadnog Balkana" [Challenges of the Recruitment and Selection of Public Servants in the Western Balkan Countries], in: *Sećanje na dr Jovana Ćirića – putevi prava*, Institut za uporedno pravo, 2023, 338.

²⁴ J. H. Meyer-Sahling *at al*, *Making Merit Recruitment Work: Lessons from and for the Western Balkans*, RESPA and University of Nottingham, 2020, 10.

²⁵ SIGMA/OECD, *The Principles of Public Administration*, 2023, 22.

²⁶ SIGMA/OECD, *The Principles of Public Administration*, 2014; SIGMA/OECD, *The Principles of Public Administration*, 2017.

²⁷ For example, in some countries such as Germany and Austria, public service includes teachers and judges and prosecutors while in most Western Balkan countries teachers and doctors/nurses are not part of the civil service.

²⁸ J. H. Meyer-Sahling *at al*, 8.

it is important to ensure that separate legislation which regulates HRM in these institutions (e.g. Law on Tax Administration, Law on Customs, Law on Foreign Affairs, etc) observes the principles of merit-based recruitment and selection, professional development and ensure that these institutions have a fair and transparent remuneration system, which is properly aligned with other institutions of the public service. Given these practical problems with the horizontal scope of the public service in a number of EU acceding countries, it is positive that the Principles have kept this standard, which achievement should be continuously assessed through SIGMA and EU monitoring/progress reports.

Finally, there is a requirement for the accession countries to have a proper HRM management structure, which was also highlighted within the previous Principles versions.²⁹ This should be ensured through existence of a competent central body in charge of co-ordinating the human resource management (HRM) system for the public service, which should provide support to public administration bodies and monitor implementation. In addition to the central management structure (usually an agency for Human Resources Management, place either at the center of Government or accountable to the public administration ministry) public administration bodies should have sufficient capacities for professional HRM. In order to ensure sufficient capacities in HRM units, there is also a requirement for existence of an effective information system that supports HRM processes and provides data allowing for evidence-based public service policy.³⁰

2.2. Principle 9:

Public administration attracts and recruits competent people based on merit and equal opportunities

The new Principle edition emphasises for the first time a need for an adequate HRM planning, which is a positive development. There is a requirement that “the public administration analyses human resources (HR) and prepares and implements HR plans aligned with the budget to ensure the appropriate workforce size, mix of competencies, skills and expertise to fulfil its mission, considering both current and future needs”.³¹ The HRM planning could be defined as a process which should ensure that an institution is staffed not only with the right number of people, but more importantly with the people with adequate competences so that an institution is able to achieve its strategic and operational goals.³² In the countries of the Balkan region staffing plans are usually developed through human resources plans developed by individual civil service institutions, which are co-ordinated by a central HRM body. When the central staffing plan is produced, it should provide a basis

²⁹ SIGMA/OECD, *The Principles of Public Administration*, 2014; SIGMA/OECD, *The Principles of Public Administration*, 2017.

³⁰ SIGMA/OECD, *The Principles of Public Administration*, 2023, 22.

³¹ *Ibid.*

³² CIDS, *Human Resource Management Toolkit for the Public Sector*, Centre for Integrity in the Defence Sector (CIDS) and NATO Building Integrity (BI), 2022, 7, available at: <https://img5.custompublish.com/getfile.php/5129568.3005.jusaunstlstlmq/2022okt221024-BI-HRM-Toolkit-Public-Sector-enPublished.pdf?return=www.cids.no>. access: 5 July 2024.

for recruitment process, as no vacancy should be announced if it has not been envisaged by an HR plan. HR planning is therefore both the instrument of fiscal monitoring and an important HR tool. In spite of this, in some countries (e.g. Serbia), especially during the fiscal crises' context, the HR planning was replaced by other fiscal monitoring mechanisms (e.g. Government Commissions authorisation of employment) and have not been implemented.³³ For these reasons, we support the introduction of this standard in the Principles, as a boost for better implementation in the HR planning in the region.

Another novelty is promotion of the employment branding and other recruitment instruments. The Principles envisage that the public administration should attract “a good pool of eligible candidates using employer branding and other recruitment tools”.³⁴ Employer branding assumes activities and efforts that create perceptions of potential employees that a state is an attractive employer, which includes understanding what potential public servants associate with an employment in the public service and knowledge of how to create an attractive and competitive state employer brand.³⁵ A 2016 study carried out by Gallup³⁶ showed that when applying to a job generations of so-called “millennials” and “baby boomers” were usually attracted to similar types of work, with the emphasis placed on the quality of management and interest in the type of work.³⁷ In spite of this, many European OECD countries face a challenge in attracting professional personnel in the public service, which appears to be not only a matter of a salary level, but even more so of the reputation and communication issues.³⁸ For these reasons, a creation of strategies of employment branding appears to be very relevant for both advanced economies and the Western Balkan countries, which have also been facing large and steady emigration to more developed economies,³⁹ that can have additional adverse effect on supply of professional personnel at their internal labour markets.

Importance of accurate job description for the recruitment process is another new element of the Principles. The Principles state that “recruitment is based on accurate job

³³ SIGMA/OECD, *Monitoring Report, the Principles of Public Administration*, OECD publishing, 2021, 71, available at: <https://www.sigmaweb.org/publications/Monitoring-Report-2021-Serbia.pdf>, access: 5 July 2024.

³⁴ SIGMA/OECD, *Principles of Public Administration*, 2023, 22.

³⁵ R. Wilden *at al*, “Employer branding: strategic implications for staff recruitment”, *Journal of Marketing Management*, 26(1–2), 2010, 56. <https://doi.org/10.1080/02672570903577091>, access: 1 July 2024.

³⁶ Gallup, *How Millennials Want to Work and Live*, 2016, available at: <https://www.gallup.com/workplace/238073/millennials-work-live.aspx>, access: 20 June 2024.

³⁷ OECD, *Public Employment and Management: The Future of the Public Service*, OECD publishing, 2021, 14, available at: https://www.oecd.org/content/dam/oecd/en/publications/reports/2021/12/public-employment-and-management-2021_6a1fc237/938f0d65-en.pdf, access: 1 July 2024.

³⁸ *Ibidem*.

³⁹ According to the United Nations Department of Economic and Social Affairs' (UNDESA) International Migrant Stock, the number of persons from the Western Balkan countries living abroad in 2020 was about 4.77 million on a population of 17.6 million. This constitutes a total emigration rate of about 21% in 2020. See: Foundation for European Progressive Studies (FEPS) (2024), *Labour Migration in the Western Balkans*, Policy Brief, available at: <https://fepe-europe.eu/wp-content/uploads/2024/04/The-Western-Balkans-labour-migration-1.pdf>, access: 1 July 2024.

descriptions providing the required candidate profile (experience, knowledge, skills, competencies) for effective performance, reflected in vacancy announcements, along with work and salary conditions”. The quality of the information presented in job descriptions has been identified as one of the key weaknesses of the public services in the Western Balkan countries. If a job description is not well formulated, then the job announcement will not be well described, and the incumbents will not be aware of what is expected from them at the job, which can also play the role in determining the type of candidates who apply.⁴⁰ Another issue is that not well formulated job description will not provide sufficient ground for listing competences that need to be tested during the selection process.⁴¹

As in the previous version of the Principles, one of the key standards in the recruitment and selection process is an existence of transparent and open competitions based on merit. The Principles further require that selection methods “provide fair and valid assessment of the experience, knowledge, skills and competencies necessary to perform the job and enable the selection of the most suitable candidates”.⁴² The important novelty is that a term “competences” is included in the terminology of the text, as an additional term to “knowledge and skills”. This is important due to the fact that many Western Balkan countries have started introducing behavioural and functional competences in their public service systems over the past decade.⁴³ As the term “competencies” usually includes both knowledge and skills, it would have been perhaps more appropriate that a single term “competencies” was used in the text of the Principles.

Finally, the Principles emphasise the need for efficient and timely recruitment and selection process with the support of the digital tools.⁴⁴ This has been the first time that the role of the digital tools was mentioned in the Principles. This, however, should not be surprising given the rise of digitalisation in the public services throughout the region, following the developments in the business sector, where different software's or online programmes have been used during various aspects of the hiring process.⁴⁵ The research on recruitment and selection carried out in the Western Balkan countries in 2019 showed that usage of on-line and social media channels by public service managers in some Western Balkan countries (e.g. Bosnia and Herzegovina and Albania) improved the effectiveness of merit recruitment as it reached a broad pool of young applicants.⁴⁶ The use of digital tools, such as for example, on line applications, also increased the efficiency and user-friendliness of the application process and reduced the costs associated with submission of certified documents.⁴⁷

⁴⁰ J. H. Meyer Sahling *at al*, 17.

⁴¹ A. Rabrenovic, “Human Resource Management in the Civil Service”, in *Integrity and Good Governance in the Western Balkans*, (Rabrenovic, Knezevic Bojovic eds), RESPA, Danilovgrad, 2018, 36.

⁴² SIGMA/OECD, 2023, 23.

⁴³ A. Rabrenovic, 37.

⁴⁴ SIGMA/OECD, 2023, 23.

⁴⁵ E. Baykal, “Digital Era and New Methods for Employee Recruitment”, *Handbook of Research on Strategic Fit and Design in Business Ecosystems Advances in E-Business Research*, 2020, 412.

⁴⁶ J. H. Meyer Sahling *at al*. 17.

⁴⁷ *Ibid.* 18.

Digitalisation also assumes the use of specialized online selection tests, such as knowledge tests and personality tests, which also started to be introduced in many Western Balkan countries in order to speed up and reduce the costs of the selection process. For all these reasons the requirement for using digital tools in the recruitment and selection process in the Principles appears to be natural and welcome development.

2.3. Principle 10:

Effective leadership is fostered through competence, stability, professional autonomy and responsiveness of accountable top managers

Top management positions have been a subject of special interest in all the Principles editions, but with slightly different focus. In the new Principal's version, the emphasis is placed on the need for making top management positions attractive, effective and stable, granting them professional autonomy, but at the same time making them responsive and accountable. The text of the first sub-principle of the Principle 10 reads: "Top management positions are made attractive through fair recruitment, competitive remuneration, professional challenges, autonomy and mitigation of career risks."⁴⁸ These requirements are further developed through subsequent sub-principles, as will be explained in the course of the ensuing analysis.

Recruitment and selection of top managers should be professionally led, impartial, transparent and based on merit.⁴⁹ Similarly to the recruitment and selection of lower and mid-level civil servants, this assumes that a professional competition commission should be in charge of the competition procedure, as was emphasised in the previous edition of the Principles.⁵⁰ Research conducted on recruitment and selection in the Western Balkan countries in 2019 showed that participation of external experts from civil society and academia in the competition commissions can increase the impartiality and effectiveness of the recruitment and selection process.⁵¹ The Principles, however, do not go into such level of detail and do not prescribe the composition of the competition commissions, leaving it to the potential member states to autonomously decide how to ensure professional and impartial competition process. The Principles do, however, reiterate the importance of a merit based selection process, by a requirement that a competition commissions take into account previous experience of candidates and thoroughly test their competences, as selected candidates should have „sufficient high-level experience, knowledge, skills and competencies to perform their job well against predefined standards“.⁵² Recruitment policies and practices should also be based on „equal opportunities, gender balance and non-discrimination“.⁵³

⁴⁸ SIGMA/OECD, 2023, 23.

⁴⁹ *Ibidem*.

⁵⁰ SIGMA/OECD, 2017.

⁵¹ J. H. Meyer Sahling *at al.* 22.

⁵² SIGMA/OECD, 2023, 23.

⁵³ *Ibidem*.

The novelty envisaged by the new edition of the Principles is a requirement that a top manager should have clearly defined objectives, aligned with the mission of the organisation and objectives of the government.⁵⁴ This is also a welcome requirement, as the research on individual performance appraisal in the Western Balkan countries conducted in 2018 showed that top managers are often not obliged to undertake performance appraisal exercise.⁵⁵ Furthermore, there is an insufficient managerial framework within which performance appraisal is situated, such as organisational performance management framework and sufficient management autonomy, which would provide a basis for individual performance appraisal.⁵⁶ Performance appraisal is also currently rarely linked to objectives of the civil service institution and the Government of the day.

In order to overcome existing managerial difficulties in the public services, there is a new requirement to strengthen top managers professional and managerial autonomy. This should enable managers to assume both responsibility and accountability for the management of staff, resources and work results. This principle is especially relevant for Western Balkan countries, as their public services appear to possess numerous barriers to managerial accountability.⁵⁷ Recent research on this topic has relieved that in many Western Balkans public services there is a greater focus on compliance with rules and procedures, rather than genuine autonomy of managers to manage a policy area and financial resources they are responsible for.⁵⁸ Equally lacking is the accountability for the results of the organisation or unit that they supervise.⁵⁹ For these reasons, it is indeed important to emphasise the need to strengthen managerial accountability of top managers in the public service in the EU acceding countries.

Stability of top management is also a new and welcome requirement of the Principles. The Principles envisage that the continuity should guarantee „institutional performance and memory“. The problem of stability of top managers has also been a perennial issue in the Western Balkan, especially in certain countries, such as for example Serbia, where the practice of acting senior civil servants, who do not have to undergo competition procedure, is very common.⁶⁰ Even though the legislation allows an appointment of acting officials only for the period of six and additional three months, these acting appointments are often renewed in practice and may last for several years. And in spite

⁵⁴ *Ibidem*.

⁵⁵ K. Staronova *at al*, *Individual Performance Appraisal of Employees in Central Public Administration in the Western Balkans*, Danilovgrad: ReSPA Publications, 2018, 16.

⁵⁶ *Ibid.* 15.

⁵⁷ K. L. Klaas, L. Marcinkowski, M. Lazarević, "Managerial accountability in the Western Balkans: A comparative analysis of the barriers and opportunities faced by senior managers in delivering policy objectives", *SIGMA Papers*, No. 58, OECD Publishing, 2018, 3.

⁵⁸ N. Vranješ, V. Đurić. "Izazovi uspostavljanja menadžerske odgovornosti u javnoj upravi u Bosni i Hercegovini" *Pravna riječ* (67), 2023, 107.

⁵⁹ K. Klass *at al.* 4.

⁶⁰ V. Mihajlovic, "The Senior Civil Service System in Serbia, 12 Years of Simulated Depoliticisation", Policy Brief, European Policy Center, June 2019, <https://www.par-monitor.org/wp-content/uploads/pdfresizer.com-pdf-resize-1.pdf>, access: 10 June 2024.

of insistence of SIGMA/OECD and the European Commission in its regular annual reports that this practice should be stopped, there unfortunately appears to be no progress with respect of continuity of top management positions in the Serbian administration.⁶¹

3. Conclusion

The revised version of the SIGMA/OECD Principles of Public Administration, which was adopted in 2023, has become a new benchmark against which the progress in public administration reform will be measured in the EU acceding countries. Most EU acceding countries will undergo an evaluation according to the 2023 Principles for the first time in 2024. The evaluation results will be presented in a SIGMA/OECD monitoring reports, which will include an evaluation of public administration reform in six key thematic areas, along with recommendations for further improvement of the public administration system. The monitoring reports should serve the acceding countries to identify their strengths and weaknesses and determine priority areas for improvement. At the time of preparation of this paper (June 2024), SIGMA monitoring reports for 2024 were not yet publicly available.

In the area of HRM, a new edition of the Principles of Public Administration from 2023 imposes fewer rules while requiring better practice and results, taking into account emerging social context changes (i.e. digitalisation, need for more flexibility in working arrangements etc.) which is a welcome development. At the same time, the new edition is still very much based on the previous versions of the Principles (from 2014 and 2017), which are still recognisable as a starting point. The new version of the Principles reflects the growing knowledge of the SIGMA, OECD and EU Delegations staff gained through work with acceding countries Governments, which is usually presented in SIGMA annual monitoring reports, EU Commission reports on progress, SIGMA occasional papers, RESPA research efforts and other independent research on the HRM in the public service.

Furthermore, the analysis of the new version and previous versions of the Principles of Public Administration shows a gradual change of the requirements of the EU for accession to potential member states in the field of public administration. Unlike the previous waves of enlargement, when the Commission insisted mainly only on the adoption of certain regulations and the establishment of institutions (the so-called

⁶¹ According to the SIGMA/OECD Monitoring Report for Serbia for 2021, the percentage of senior civil service vacancies (Secretary of the Ministry, Assistant Minister and Director of non-ministerial bodies) filled through acting appointments remained above 60% in 2019-2020, which constituted a persistent failure to comply with the legislation. Cf. SIGMA/OECD, "Monitoring Report Serbia, the Principles of Public Administration, OECD publishing, 2021, available at: <https://www.sigmaxweb.org/publications/Monitoring-Report-2021-Serbia.pdf>, access: 12 June 2024; In 2023, more than half of senior managerial positions in the Serbian civil service were filled on the acting basis. Cf. European Commission, Serbia 2023 Report, Brussels, 8.11.2023, SWD(2023) 695 final, 16, available at https://neighbourhood-enlargement.ec.europa.eu/document/download/9198cd1a-c8c9-4973-90ac-b6ba6bd72b53_en?filename=SWD_2023_695_Serbia.pdf, access: 12 June 2024.

"check-box" approach), in the Principles there is still a strong orientation towards assessing the effects of the reform in practice. It seems that this change stems from a change in the understanding of the European Commission that the reform of public administration and its wider social context cannot be implemented only on the basis of changes in regulations and the establishment of new institutions, but that above all it should be evaluated on the basis of actually achieved results and effects in practice.⁶²

One of the reasons for the change in the Commission's approach to public administration reform may be the experience with Central and East European countries that have become EU members, and which have not previously systematically reformed their public administration systems, which has led to problems in functioning within the EU.⁶³ Research conducted after the enlargement to Central and Eastern Europe showed that after the accession the new member states lost motivation to implement sustainable civil service reforms and that the EU did not have any instruments to exert influence in this regard. At the same time, civil servants in most of the countries that joined the EU in 2004 and 2007 showed a lack of knowledge and expertise in EU-related affairs, especially in terms of policy-making processes at the European level and knowledge of languages.⁶⁴

The question, however, remains to which extent the new version of the Principles will be able to exert pressure on public administration reform efforts in the acceding countries, especially in sensitive areas such as for example politicisation of top management. Up to now, there has been no systematic "assessment of the assessment" of SIGMA/OECD monitoring reports, i.e. to which extent they have helped acceding countries in staying on the public administration reform course. Given that the EU accession process is primarily a political process based on different political trade-offs, it seems that the EU institutions will be the key ones to decide on the importance of both "old" and "new" values of public administration, presented in 2023 version of the Principles.

Finally, it goes almost without saying that public administration reform process does not only require changes in the legislation and practices, but also internalisation of public administration values within public services. Such deep changes also require an adaptation of the wider social context in which the values of professionalism, impartiality and integrity of public sector employees will dominate. One of the biggest challenges for acceding countries on their way to the EU appears to be not only to fully harmonize their legislation and practices with Principles of Public Administration, but even more so to create an environment in which well known "old" European public administration values, such as professionalism, political impartiality, hard work, accountability and integrity will be recognized and cherished.

⁶² K. Nicolaidis, R. Kleinfield, "Rethinking Europe's 'rule of law' and Enlargement Agenda: The Fundamental Dilemma", *SIGMA paper*, OECD, 49/2012, 47.

⁶³ M. Lazarevic, S. Maric, „Between Discretion and Professionalism: Merit Based Recruitment Policy in the Context of Serbia's Accession Negotiations with the EU“, European Policy Centre, 2014, 4.

⁶⁴ J. H. Meyer-Sahling, „De-Politicisation Through Back-door? EU Integration, Administrative Reform and Party Patronage in East Central Europe“, paper prepared for the ECPR Joint Sessions, Workshop 6: Political Parties and Patronage, Nicosia/Cyprus, 2006, 26.

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