

## CAREER OF EUROPEAN CIVIL SERVANTS. A THEORETICAL APPROACH

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**Abstract:** *Career in European public office involves both elements of an organizational nature, reflected by the nature of the public organization (mission, objectives, regulatory framework, activities) and individual elements pertaining to human resources engaged in the organization and emphasized the skills, competencies, knowledge, behaviors. The capabilities mean professional development and the opportunity to put into practice the knowledge. Our paper aims to explain the key elements of European civil servants to develop their professional career to serve the public interest of European citizens. We analyze the principles, the determinants and the processes involved to develop the European career as a civil servant.*

**Key words:** *European civil servant, career, training, recruiting, career development*

**JEL Classifications:** M 12, K 23

### INTRODUCTION

It is widely recognized that the value of an administration is not so much in material or financial means at its disposal, but especially in its human potential. Given that largely achieving political decisions, general economic and social progress depend on the quality of administration, it is understandable that special attention should be paid to the problem of staff training in this important field.

Forms and strands of government are extremely varied; we deduce that multilateral and specialized business functions determine the default specialization in public administration.

Moreover, in addressing public official status and implicitly, staff training for government, we must make a distinction between administrative functions necessary training to senior management, who has strong political, administrative functions and requires specialty level and functions which require only basic skills.

Theoretical and practical training of public officials should be considered in training them, from versatility and specialized work in public administration, character determines a differentiated training. Thus, in addition to a thorough grounding in the science of law and administration, professional competence requires: *Summum* of expertise (own industry or field in which the respective public authority acting), experience, ease of implementing intellectual skills, and all attitudes that predispose a person to apply all his intellectual possibilities.

Referring to the training requirements of public administration staff adaptation to the market economy must be stressed first that a cultural change in the professional community, namely public administration officials.

Education and training will be focused more on developing and nurturing skills than the automatic transmission of knowledge (methods, tools, techniques) often considered generally applicable.

For public officials to respond to their individual training and development, it is necessary to know:

- data on efficiency, productivity and competitiveness, to concern for modernizing the equipment;
- to possess extensive knowledge on the internationalization of business and generally relations;
- to have the capacity to take initiatives in areas such as economic analysis, education for sustainable development with environmental protection, social impact assessment of decisions taken possession and correction phenomena deformed accurate perception of how to develop and implement global and sectoral development strategies, to acquire the main features of professional management.

Only by answering these requirements can speak of civil servants performance. Whole communities must have a high level European public administration to be able to fulfill their respective missions. Thus, the goal is to ensure civil uniqueness of the European Communities, understood as the feature that allows it to strengthen cooperation between the institutions and their agents in the field of personnel policy in the interests of the proper functioning of Communities and efficient use of human resources.

From the definition it can be shown that officials of the European Communities may be an official of the Communities, any person who has been nominated to the provision of certain conditions provided for in the Statute, in a permanent position in one of the Community institutions, by an act of the authority vested with the power appointment of the institution. Authorization to appoint "international official results conditions set for European officials are divided into two categories, namely stationary, the same for all candidates and varying conditions that may be nominated by the Appointing Authority" (Fuerea, 2004). However, to choose the topic was the new direction on the one hand the EU has given Romania, namely the alignment of part of the operating status of the elected public officials at EU *acquis* and ratify Lisbon Treaty elements, otherwise we stated by Law.13/2008 of 07/02/2008, published in the Official No.107 of 12/02/2008 on the introduction section, that the Commission members regarding their choice and the establishment of a senior portfolio. Portfolio will be responsible for developing foreign policy and common defense policy, and also chairing the Foreign Affairs Council. The entry into force of the Treaty of Lisbon removed the division on the three pillars and stated the legal capacity of the European Union as an autonomous legal subject with rights and obligations (Tofan, 2013).

According to the introduction of Regulation EC, Euratom No.723/2004 of 22 March 2004 amending the Staff Regulations of Officials of the European Communities and Conditions of Other Servants of the European Communities are the reasons of fact

and law which have led to the need to adopt new statutory regulations at EU level. The first issue addressed concerns the need to implement the legal rules applicable to civil service of the European Communities, issues that meet the evolving needs of institutions and staff to respect the culture and traditions of a community governments founded on the principle that it is serving the citizen.

In the introduction we find stipulated that there should be a framework for the Community recruitment of their staff, which would allow selection to meet several requirements, including: future European officials have high skills productivity, efficiency and integrity EU officials come from the broadest possible geographical basis, to be representative of the citizens of the Member States of the Communities staff to perform tasks in conditions which ensure the optimum operation of their business, namely the recruitment and purpose staff regulations governing Communities is to create human resources capable of providing a European civil service characterized by competence, independence, loyalty, impartiality and permanence, as well as by cultural and linguistic diversity.

A principle underlying the regulation of the European civil philosophy is one of non-discrimination is enshrined in the EC Treaty, through which stipulates the development of personnel policies to ensure equal opportunities for all, irrespective of gender, physical ability age, racial or ethnic identity, sexual orientation or marital situation.

Regulations stipulating a value of status is not without consequences for the regime of the European public, with result that “Community public function placed in the category of public functions supposedly closed“ (Boulouis, 1997). This system is similar with civil service mentioned for French or German officials who are holding their positions and career vocation.

According to the stipulations of the Statute on the legal status of the act of appointment to an office community, it reveals the following: is a unilateral legal act, is issued by the authority vested with the power of appointment, the appointing authority that appointed for this purpose by the body Community in accordance with art. 2 of the Statute; necessarily act of appointment will have to specify the date from which the legal effect, and that, according to art.3 cannot be prior to the time the person concerned acquires the function; Community official instrument of appointment conferred statutory and regulatory legal situation, any appointment cannot be made only on a vacancy. The last condition is imposed in the case of promotion. The act of appointing a European civil service is unilateral legal act issued by the appointing power vested in a European institution, which gives the person concerned a statutory and regulatory legal situation that European civil servant.

## **DETERMINANTS OF EUROPEAN CIVIL SERVANTS CAREER**

As defined in Art.1 of 96 of the Statute, we have the following elements of individualization of civil servants of the European Communities:

- Public servant is a person who occupies a public office within the institutions of the European Communities. Such a feature resulting from the formulation, an

official of the European Communities the person appointed to a position, i.e. in one of the institutions of the Community;

- The continuous of function. Statute provides that the appointment is a permanent public office;
- To becoming a European civil servant, the person must fulfill the requirements of the Statute;
- The act of naming a function of Communities is issued by the appointing power vested;
- Status applies equally to Communities staff and staff called in those Community bodies which called traditional agencies and personnel working in the European Economic and Social Committee, EU mediator and supervisor data protection.

Concept of staff of Community law includes two categories: *Community officials*, which are applicable provisions of the Statute, those *other agents* that can be employed by different types of contracts which it applies, or Community law or national law. In respect of the two Categories of staff, is included so that, generally designate by the term of the contract, which, in turn, are of two categories, namely contractual of Community law and local (national) contractual staff governed by private law.

Thus, the contractual staffs governed by Community law are several categories: the temporal agents, who occupy a position that is included in the establishment plan, but the budgetary authority, conferred such a character to that post. They are temporary and those who temporarily occupy the post that has a permanent rule in this situation being research staff, auxiliaries, and persons employed to perform poor tasks by their nature or in the absence of the holder. Those positions, "not in the plans of the institutions unless the interim. Payment of which the officer is dealing with such an open global destination respective institutions, special advisers are those personalities who are engaged in community institutions through knowledge, reputation, exceptional qualifications recognized, and their employment is still on a temporary basis and payment is made in global credit opened for this purpose at the respective institutions" (Fuerea, Filipescu, 1997). The contractual agent is different from the official working under the statute provisions, as the contractual agent is not legally entitled to develop a career, is not stable in the position once held, and does not acquired many of the rights contained in the statute (Tofan, 2013).

Officials on Contract Community differ from the community officials:

- they are employed on a contract basis, which can be fixed or indefinite duration, which, however, in most cases, cannot exceed certain limits of their legal situation;
- their legal situation is likely conventional, while civil legal situation is such statutory or regulatory;
- the contractual staff are not entitled to make a career, in the terms of European officials, their work with the aim to satisfy some defined European institutions where they are employed;
- they are subject of change being renewed constantly, while European officials benefit from stability;

- for the contractual staff are applicable provisions of the agreements under which they were employed, and some provisions of the Staff Regulations;
- the disputes that concern the contractual staff, as those involving European officials, are in the competence of the European Union Civil Service Tribunal and the European Court of Justice.

The European contractual agents are local agents that carry out different tasks or service materials from various. The legal act by which local staffs are recruited is services lease contract which is completed in accordance with the legal provisions of the country where local agent performs its duties. Repeating those stated in current law distinguishes between staff titular see, which is subject status, and temporary contract staff or auxiliary, whose situation remains more or less private, regulated contracts and are therefore tenure.

### **EUROPEAN OFFICIALS CAREER**

European officials' career is presented in the first chapter of Title III of the Statute, concerning regulatory choice Community officials. Election officials are conducted through competitions, namely the written and oral examinations organized by each institution, but also international competitions. This ensures that the Community institutions officials possessing the highest degree of competence, efficiency and integrity.

On "Community officials choosing the statutes refer the following principles that govern this choice: recruitment must ensure selection of the most competent person, who through their skills through education and training, can lead to great returns, recruitment must ensure selection persons who meet the terms of their integrity, acquiring official status of a Community body; recruitment should be the geographical base large enough to ensure access to European features as many nationals of European Member States according to art.27 (77) (96) of the Statute, the person recruited to meet the conditions for acquisition of Community official, recruitment is on a competitive basis or before the vacancy of an institution, the authority vested with the power of appointment is required to meet certain preliminary procedure through which to consider whether the post can be filled by any other means specified by statute, namely the transfer, promotion or special procedure provided for by art.45 of which provides for a derogation from art.5 (3) b and c by an assistant clerk can be passed from grade 5 to a post in AD, subject to certain conditions" (Calinoiu, 1997).

The conditions "for European officials are divided into two categories, namely fixed conditions", the same for all candidates:

- nationality which requires that the person be a citizen of a Member State of the Communities;
- condition on the exercise of civil rights, which requires person to enjoy his civil right;
- the condition that "provided they satisfy the obligations of the laws concerning military service;

- the guarantees of morality, which are deducted from the criminal record and the presentation of references or recommendations;
- the physical fitness which exclude the existence of disability or diseases that may hinder the exercise of , that other conditions, according to art. 31 (96) paragraph (2) which provides that, to meet the specific requirements of institutions;
- the labor market conditions prevailing in the Community may also be taken into account when recruiting officials;
- the varying conditions that may be required by the appointing authority for certain functions, such as knowledge of languages, education, work experience, age limit etc.

There is a procedure for organizing and conducting the contest, except high positions respectively CEOs. The rule is that each Community institution organizes its own competition, highlighting positive and negative aspects, being sharply criticized by people both inside and outside the EU. The main reasons that supported these criticisms were the irregularities observed in the conduct and the lack of any transparency of procedures. Thus, in order to eliminate these deficiencies were made solutions, namely: organization of competitions each year, publish anal on previous posts, the publication number of posts.

Regarding "procedure for organizing and conducting the contest, interpreting statutory provisions contained in Annex III entitled even competition procedure determines the identification of the following dimensions of legal status, namely: the appointment and promotion are subject to the principle that they cannot deal only posts vacancies in normal administration is required post is vacant , that is occupied by an agent duly sworn, declare a job vacancy is preceded by some preliminary procedure, the appointing authority shall verify that the post can be filled transfer, appointment as art. 45a, or promotion; authority vested with the power to appoint committee should consult the peer, after which it will draw notice or advertisement for organizing the competition" (Vedinas, 2009).

Thus, the organization of the competition notice must include several elements, including: the nature of the competition rules of competitions, nature of duties and tasks related positions filled and the function group and proposed degree diplomas and other evidence, and so on, for conduct of each contest is a jury whose composition is determined by the authority vested with the power of appointment.

The jury is composed from a chairman appointed by the appointing authority, and a number of members appointed equally by the Appointing Authority and the Staff Committee. There are situations where a competition is held jointly by two or more EU institutions, where members will be number 11. They will be appointed by mutual agreement on a parity basis by the Committee staff in institutions. The Statute gives credit to the jury, recognizing him the right to appeal to one or more assessors in an advisory. Then, the candidates have to fill a form, whose content is determined by the authority vested with the power of appointment. Further, the jury will review the files received while establishing the list of candidates who meet the requirements imposed by the notice of contest. Candidates selected shall be appointed to the said function group stage in the competition. Thus, "officials can be recruited only steps AST 1 to AST 4 or

AD 5 to AD 8 and step specified in the competition will be decided by the Community institution to meet the objective of recruiting officials at the highest level and depending on the quality of professional experience" (Vedinas, 2009).

Repeating the words, "an official who graduated official competition selection is not final; he will gain this status after a trial period and after passing one or more exams" (Calinoiu, 2007). There is a period in which to perform an internship, whether it is for new ones admitted either senior officials, stated "in art.34 (8), (24), (69), (96) of the Statute, according to which the latter must go through a probationary period of nine months before being appointed on the post. The internship is twofold: to provide a trial period that learning. Thus, we can conclude that the career of an official European public higher at onset and until the end of the function, two stages can be identified in terms of Staff: European civil servant found higher during internship, that official higher European tenured" (Calinoiu, 2007).

At the same time the authority vested with the power to appoint and dismiss officials may decide before the probation period by giving notice of one month, without being able, however, the period of service to exceed that of the internship. There is one exception, where the authority vested with the power of appointment may authorize the official to continue the internship, but in another service. Thus, the new business person will have to do an internship of at least six months. The cumulative duration of the internship may not exceed fifteen months. A month before the expiry of the internship, trainee officer made a report, which shall contain the following elements: skills that has shown the way to pay for their duties that yield activity. This report is submitted to the official in question, who may, within eight calendar days, observations on the findings.

Depending on the stipulations of the report, it can meet the following conditions: evidence that the trainee has the qualities required for the post for which he was selected, in which to be tenured in this post, the trainee does not prove the qualities required for the job, the appropriate appointing authority vested with the power to dismiss him, or the exceptionally, may agree to extend the internship for a maximum period of six months, possibly changing the civil service respectively.

## **DOCTRINES CONCERNING THE LEGAL REGIME OF CAREER OF CIVIL SERVANTS IN SOME EUROPEAN COUNTRIES**

European civil service is one of those types of functions that promote a contest draws public servant status but not final.

In contemporary Western doctrine "treats a lively discussion on the results of a competition legal regime and related to this issue, the candidate's status. Romanian inter wars doctrine was also controversial in this matter"(Vedinas, 2009). "When asked if passing the competition may arise, to promote the right to appoint, the answer was, according to some authors, negative". (Vedinas, 2009). Between the acquisition, by appointment, to the status of civil servant and promoting competition, there is always a connection time.

In most states, the selection does not automatically entail appointment to a post, and this appointment when there is no intervention, most often, only after the trial period.

From the point of view of the correlation between the selection and appointment can be identified three categories of countries:

- Countries appointment to identifying overlaps with the last phase of the selection promoted both the appointment and the actual selection is made by the same authority. In this situation, it is impossible for a person to be selected and not to be named. Such countries are Denmark, Germany, the Netherlands and Greece. This latter country presents only peculiarity automated selection system, but the law in January 1983 provides by the art.8. One that required for the appointment and confirmation of the candidate's willingness to be appointed. In other words, it expresses its consent, which takes the form of text.
- In the second category includes countries where the link between the act of selection and appointment is not direct, because the one authority is making the selection, and another the appointment. In this situation there are countries such as Ireland, the United Kingdom, where the selection is made by a special commission for the public function, but the appointment is made by the directors at the proposal of the commission. This system can be born a theoretical and practical problems related to the legal value of the selection decision of the Commission and hence, to what extent this decision obliges the administration to implement. Although the question was put so far only in theory, to prevent a possible practical situation through a law adopted in 1956, the Civil Service Act Commissioners, provision was made in Article 12, and the Commission's decisions are certificates of qualification, which allow access to public functions, representing such strong evidence in court.
- The last group of countries has some similarity with the previous one and features. It therefore states that the appointment is not made by the authority to select future civil servants. This category includes countries that practice backup civil system. Those accepted are listed on some special reserve list, which, interestingly, is not valid indefinitely. Limited nature of their validity arises naturally given the fact that public service demands are budding, and a person assessed as able to hold a function at a time can become, in a certain time, unable to cope with a new system the requirements. Also, it occurs discretion of the administration, which can go as in Italy, to the ability to change the order of ranking.

Relating Romanian system in accordance with framework law, the promotion of competitive examinations for public office draws obligation authority structure that is part of the open position appoint that one has passed.

## **CONCLUSIONS**

Tackling administrative phenomenon from the whole of government perspective, the future is inextricably linked with those that operate under different administrative structures, of their professional and emotional quality. An incompetent administration cannot be a modern one. Modernizing government is closely linked to the growth of "what should be the role of public service in the future, not only improving the quality of



facilities and management techniques" (Trosa, 1995). And "the modernization of reasoning officials emphasized, it cannot be done against them, while being a participatory process that includes all those involved in this phenomenon" (Trosa, 1995). The recruitment process must ensure the selection of persons who meet the terms of their integrity acquiring official status of a Community body. In the public function, both national and EU matters, is not only training and professional performance, but also the moral value of the civil servant that providing a public service. For the career of European civil servants recruitment based on geographical criteria provides access to European features as many nationals of Member States of the European Union.

Regulations adopted by the institutions of the European Communities, through practice and jurisprudence, is aiming to create a European civil policy which would enable access to and maintenance of persons able to cope with complex problems returning the invested. The European policies concerning the civil servants career demands methods which seek diversion purpose and significance of this institution crucial to the theory and practice of the European Union.

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