

Toward the European administrative space: the role of e-government policy

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The ‘challenge of convergence’ has become a core element of the European policy-making agenda. Many programs have been initiated by European institutions with a view to ensure uniformity in administrative actions and structures. In this article, we will investigate the formation of a ‘European administrative space’ as a result of a process of convergence toward a common European model, looking, in particular, at the role of communication and information technologies. As numerous policy documents produced by the European Commission indicate, new technologies have the potential to create administrative systems that are integrated across the European context in terms of their semantic, organizational, and technical content. We will pay close attention to the role of technological standardization in promoting economic development and competitiveness, as well as considering security policy as an example of ‘homogenization through technology’.

Keywords: European administrative space; e-government policy; interoperability; technological standardization; security

Introduction

The development of the European Union (EU) over recent years suggests that this new political entity cannot be constructed on the same basis as national states. Many scholars have underlined the legitimation gap of European institutions, due to the ‘democratic deficit’ which renders these structures relatively inaccessible to common citizens¹ (Majone, 1998; Moravcsick, 2002). In particular, many observers note the relevance of the formation of a transnational public sphere,² pointing out that the national and regional levels remain the most important domains of political participation and identification. From this point of view, the

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¹ According to Follesdal and Hix (2006: 533) ‘the volume of books and articles on the ‘democratic deficit’ in the EU is now huge and continues to grow, with ever more convoluted opinions as to the symptoms, diagnoses, cures, and even side effects of any medication’.

² For instance, J. E. Fossum and P. Schlesinger note that ‘a central precondition for a democratic order is a viable public sphere – namely a public space (or spaces) in which relatively unconstrained debates, analysis, and criticism of the political order can take place’ and ‘this precondition applies as much to the EU as it does to any nation state’ (2007: 1).

recent difficulties in relation to the ratification of European treaties confirm the eurosceptical position, revealing the fragility of European construction based on traditional constituent mechanisms.

Such processes have also contributed to constitutional debates about the EU, which is represented as a ‘democracy without a demos’. As a result, alternative sources of integration and legitimation for supranational institutions have been sought, with some authors arguing that European law and the definition of constitutional rights constitute important elements of cohesion. The work of the EU in setting *substantive* standards, goals, and criteria (establishing, e.g. legal limits to pollution or curtailing the genetic manipulation of agricultural products) should consequently be respected by national administrations³ (Cassese, 2004). According to Martin Shapiro, ‘constitutional law and administrative law are the key forms of institutionalization of political space because they constitute the formal, authoritative relatively precise rules that govern the making of all the other formal, authoritative, relatively precise rules of that space’ (Shapiro, 2004: 3–4).

Although the multiplication of regulatory structures and the fluidity of standard-setting procedures raise the issue of coherence within the European legal space, a new network of sectoral government actors is promoting standardization.⁴ In addition, the move toward harmonization has been stimulated by European institutions themselves, especially through the activity of the European Commission and the European Court of Justice. Thus, while public debates focus on increasing citizens’ rights to participate in European decision-making (Giorgi *et al.*, 2001; Risse, 2003), a new administrative framework appears to be taking form without any significant public debate.

An important element of this ongoing process of ‘constitutionalization’ relates to the role of e-government policy⁵ in defining technical standards. The application of new information (IT) and communication technology generates systems of integrated and inter-operable administration (Guijarro, 2005; European

³ More analytically, the formation of a common space of supranational regulation seems to undermine the foundations of national sovereignty (Cassese, 2004: 6). If administrative law was born after the affirmation of unitary states, becoming an expression of its territorial power, this has now been absorbed within a complex relationship between national and transnational actors.

⁴ The new legal system is not based on the ‘codification’ of constitutional principles. C. Harlow reminds us that regulatory actors refer to a set of common values and principles, which constitute a source of stability for the new regime: ‘first, the largely procedural principles that have emerged in national administrative law systems, notably the principle of legality and due process principles; second, the set of rule of law values, promoted by proponents of free trade and economic liberalism; third, the good governance values, and more particularly transparency, participation, and accountability, promoted by the World Bank and International Monetary Fund and finally, human rights values’ (Harlow, 2006: 187).

⁵ The term *e-government* was coined by the US Program for reinventing government (*National Performance Review*), under the Clinton administration. It refers to a reorganization of the public sector that aims to increase efficiency and reduce spending by taking advantage of new technologies. We will use this term to refer more broadly to the application of new information and communication technology to the restructuring of public administration, including the relationship between public institutions and citizens.

Commission, 2006a; Peristeras *et al.*, 2008). If they are to provide citizens and firms with more convenient access to government information and services, and to improve the quality of these services, e-government programs must pursue uniformity: the management of administrative information flows requires a high level of communication and interaction between public agencies at different levels of government (local, regional, central, and supranational). Moreover, as public offices start to use the same protocols, formats and criteria, integration leads, at the same time, to a certain degree of centralization. If the development of modern bureaucracies is coincident with the development of the *Rechtstaat* and its administrative rules, the process of construction of European administration has been accompanied by the formation of a digital architecture, the ‘code’, to use Lawrence Lessig’s term.⁶

Many initiatives have been launched by European institutions to ensure uniformity in terms of administrative action and structures (Radaelli, 2000; Schneider, 2004; Baptista, 2005), and many recent policy documents produced by the European Commission consider the role of new technologies within this process.⁷ Although a coherent and uniform EU policy on e-government does not yet exist, great emphasis has been placed on its technological and infrastructural requirements and on the need for inter-operability. For instance, the working paper on ‘Linking up Europe: The Importance of Interoperability for E-Government Services’ (European Commission, 2003a) and the ‘European Interoperability Framework for pan-European E-Government Services’ (European Commission, 2004a) point in this direction. But what are the main objectives of the political marriage between IT and bureaucratic change, and what forms is this likely to assume (Lowi, 1992)?

In this article, we will investigate the formation of a ‘European administrative space’ and the role in such a field played by e-government. In the second part of the article, we will consider the role of technological standardization in promoting economic development and competitiveness. Finally, security policy will be analyzed as an example of ‘homogenization through technology’. In this area of policy-making – traditionally attributed to national governments – the EU faces some of the most difficult challenges for its future.

What is the European Administrative Space?

The historical difficulties in defining and developing the ‘landscape’ of the EU have been tackled by means of the metaphor of the ‘common space’. This expression that

⁶ L. Lessig (1999) uses the term ‘code’ to indicate the digital architecture which regulates cyberspace: the complex system of software and hardware instructions that shape and circumscribe the operation of Internet.

⁷ For an analysis of how new technologies of communication may produce institutional isomorphism, including a reinterpretation of this concept, see Amoretti and Musella (2008).

seeks to describe the integration process in Europe, is frequently found in official documents and in empirical research. Used in a myriad of different declinations – *European constitutional space* (the realm of shared constitutional values between member states and the EU), *European judicial space* (cooperation between courtrooms in different jurisdictions within an ‘area of security, freedom, and justice’), *European public space*, the *European space of research* (Hofmann, 2008: 662) – this metaphor generated a shift in public discourse precisely at the moment in which it seemed particularly difficult to define the boundaries and identity of the EU. Many scholars underline the legal aspects of the formation of this transnational space, which appear to encompass ‘a vast number of different regulatory bodies, a mass of rules, a great quantity of procedures and a complex array of links both to national bureaucracies and civil society’ (Cassese, 2008). The emergence of this complex legislative entity is due to a fragmented process of accumulation, where rules are generated by a plurality of regulatory actors with no overarching legal principles. The reference here is, above all, to the large number of international organizations that act as standard-setters in different policy arenas, defining precise directions for the activity of national governments. Indeed, legal regimes ‘do not exist entirely independently of each other, but rather are linked in myriad different ways’ (Ibid, p. 19). The result is increasing interdependence between national administrative systems.

This context helps to explain the expression ‘European administrative space’ and to identify it as a ‘normative program, an accomplished fact, or a hypothesis’ (Olsen, 2002: 921; D’Orta, 2003). First formulated in 1992, it was only in 1999 that an explicit attempt was made to clarify this notion, against the background of the extension of EU membership to Central and Eastern European countries (CEECs). Siedentopf and Speer (2003) recall the definition suggested by SIGMA, a EU-OECD joint initiative established in 1992 dealing with the CEECs’ government and administration reform:

The E[uropean] A[dministrative] S[pace] represents an evolving process of increasing convergence between national administrative legal orders and administrative practices of member States. This convergence is influenced by several driving forces, such as economic pressures from individuals and firms, regular and continuous contacts between public officials of member States, and finally and especially, the jurisprudence of the European Court of Justice (Siedentopf and Speer, 2003: 13).

Despite the traditional flavor of this definition, it remains unclear whether the creation of a ‘European administrative space’ refers simultaneously to other dimensions. Within a few years, empirical research had already branched out,⁸ and mapping the European administrative space has become a major task. In analyzing the various stages of development of this space, and the importance

⁸ As also confirmed at the recent Connex thematic conference ‘Towards a European Administrative Space’, held at Birkbeck College, University of London, 16–18 November 2006.

of the European experience, Herving Hofmann (2008) argues that the development of an integrated administration ‘goes beyond forms of cooperation for implementation of EU law by community institutions and Member States’ agencies [... and that the European administrative space] contains aspects which affect the very nature of the EU’s system of shared sovereignty as well as the conditions for its accountability and legitimacy’ (Hofmann, 2008: 662). On the one hand, this deals a harsh blow to the principle of state sovereignty within administration systems, while also outlining a framework that differs markedly from those applied within distinct national systems.⁹

The EU has adopted a multidimensional approach to the problem of the European administrative space. Although responsibility for administrative organization remains with member states, European institutions have been trying to set uniform standards for administrative action since the beginning of the 1990s. Examples can be found in several fields: quality of regulation and simplification of legislative procedures; training of administrators; public administration evaluation and performance measurement; use of benchmarking techniques and best practices.

Since the late 1990s, the construction of a ‘common information area’, based on ICTs, has been a key element of important community programs.¹⁰ According to the ‘White Paper on European Governance’, ICTs play an important role in supporting the implementation of the rules, processes, and behaviors that define good governance in Europe.

In 2000, the so-called ‘Lisbon strategy’ ambitiously stated European aspirations ‘to become the most competitive and dynamic economy based on knowledge in the world’. This represents a decisive step toward bringing together the member states within a single information society (European Council, 2000). The Lisbon strategy aims to increase growth and secure employment in Europe, identifying e-government as one of its central components: ‘[...] Member States should ensure that their own regulatory systems are better attuned to the needs of an EU-wide market. It is crucial to ensure and, where necessary, improve the role of national administrations in providing the right market conditions (e.g. greater use of on-line services, tackling corruption and fraud)’ (European Commission, 2005: 17). As noted in a report produced by the Institute for Prospective Technological Studies for the European Commission: ‘coherence and interconnection criteria are

⁹ Cfr. S. Cassese (2006a: 2). According to this author, there are four areas of differentiation: ‘1. While domestic administrations depend on one centre – the President or the cabinet – the European administration has not just one centre of power; 2. While domestic administrations have exclusive implementation, the European administration is not the only EU implementing authority of the EU; 3. While domestic administrative law is binomial (there are relations between two poles, the executive and a private party), European administrative law is trinomial (there are relations among the European Commission, national administrations and private actors, and each may play multiple roles); 4. While domestic administrative law is usually a privileged branch of law, full of executive prerogatives, in the European administrative law the administration does not generally enjoy any special right and privilege’.

¹⁰ These include IDA (Interchange of Data between Administrations) and TEN-TELECOM (from 2002 renamed eTen).

as much organizational as they are technological. Currently, emphasis is given to the need for a single access point for citizens to all e-government services. This implies a high degree of coherence between the different parts of public organizations and as well as an interconnection and fluid interoperability between them' (Burgelman and Clements, 2003).

In 2005, an initiative was launched by the Commission (the so-called i2010) to ensure the uniformity of new technologies policies across Europe, demonstrating the value of standardization as a political value¹¹ (European Commission, 2007a: 4). The aim of linking IT systems across national systems regards several policy areas, from environmental policy (European Commission, 2008a) to e-health (European Commission, 2004b). Meanwhile, the Commission has left member states with ample room for maneuver by decentralizing the context of policy implementation, in line with the principles of subsidiarity and regionalization. National and subnational administrations may avoid responding to European pressures, as 'whether or not a country adjusts its institutional structure to Europe will depend on the presence and absence of mediating factors' (Caporaso and Cowles, 2001: 2; Featherstone and Radaelli, 2003). Thus, there is a combination of top-down aspects, concerning the downloading of EU directives, regulations, and institutional structures to member states, and bottom-up national initiatives and domestic responses to the diffusion of ICTs¹² (Goetz, 2001; Menz, 2008).

Other reports underline the varying impact of new technologies in creating systems of integrated and inter-operable administration in the European context. For instance, a document produced by the European Commission states that 'to be affordable and effective, implementation of the infrastructure required for the delivery of pan-European e-government services will have to be guided by an overall conceptual architecture, based on standards' (European Commission, 2006b: 9). Defined as 'the key enabler for the delivery of e-government services across national and organizational boundaries', inter-operability systems are regarded as the most appropriate tools to ensure the mobility of businesses

¹¹ The definition of standards is an important part of the current process of transnational integration. For instance, Sabino Cassese (2006b) highlights the growing presence of global regulators – international or inter-governmental organizations – most of which were established in the past 25 years, covering a range of different areas from the environment to financial affairs. We are thus witnessing a trend toward establishing standards based on the diffusion of new technologies. Computer code is increasingly behind decisions about which norms to apply to cooperation, harmonization, and standardization procedures at the global level.

¹² In relation to center-periphery dynamics, the EU has used the subsidiarity principle to promote local government and to create new networks to manage specific administrative functions. New technologies permit the construction of coordination systems that allow for decentralized operations at more widely dispersed locations, because of lower management costs (Schneider, 2004). Nevertheless, this leads to a situation where resources are progressively removed from the control of national governments and to a large degree dispersed among an increasing number of actors at the local level. The trends toward standardization and inter-operability also strengthen top-down processes relating to inter-institutional and transnational exchanges. The resulting process of *homogenization* is thus driven by both political and technological dynamics and ICTs can be expected to reinforce this trend (Baldersheim, 2006: 5).

and individuals,¹³ closer interaction among stake-holders, and more effective cooperation between administrations.¹⁴ This program can only be realized by intervening in relation to the organizational, technical, and semantic domains:

- Organizational inter-operability is about being able to identify those players and organizational processes involved in the delivery of a specific e-government service and achieving agreement among them on how to structure their interactions, that is, defining their 'business interfaces'.
- Technical interoperability is about knitting together IT systems and software, defining and using open interfaces, standards and protocols in order to build reliable, effective, and efficient information systems.
- Semantic interoperability is about ensuring that the meaning of the information exchanged is not lost in the process, that is, it is retained and understood by the people, applications, and institutions involved' (European Commission, 2006b: 6).

It is not difficult to argue that e-government represents a pillar of European construction, due to its important role in relation to policies for administrative efficiency and social cohesion: a point deeply underestimated in academic debates on the future of the EU.

E-government between state and market

The drive toward a more homogeneous European space is strongly linked with the goal of strengthening the single market and exploiting the economic opportunities offered by the new technologies (i2010 High Level Group, 2006: 5). In a workshop on the theme of the 'single information space' in Europe, commentators complained about the absence of 'widely accepted standards' (Coene and Gasser, 2007: 6), as EU member states have often failed to establish a common framework that would allow technology companies to operate as they do in the United States or Japan: 'this perpetuates a fragmented European market and therefore generates numerous obstacles to European competitiveness, as companies simply cannot implement strategies or solutions on a European or global scale. Such fragmentation reveals the Member States' tendency to continue to think and act based on national instead of European considerations' (ICT task force, 2006: II).

¹³ Several initiatives have addressed the mobility issue within the EU, aiming at harmonizing administrative procedures and providing citizens with cognitive tools to engage in cross-national activities. For example, the multi-language Web portal *Your Europe* was promoted by the European Commission in order to provide information for business and individuals (Idabc, 2006). Businesses could find information on issues such as company registration, public procurement, accounting regulations, taxation laws, market information, and regulations for funding opportunities. The citizen-oriented services, by contrast, provided practical information about moving to a new country, information on schooling, and social security as well as finding employment.

¹⁴ An efficient administrative system and a fair application of legal regulations are the basic premises for market expansion. As a result, the EU *good governance* principles stress the need for an environment that ensures open competition (Piana, 2006: 74).

However, the EU as a supranational entity has considered harmonization and coherence of regulatory architectures as the basis of its own existence – and success. For instance, the recent *i2010 E-government Action Plan* (European Commission, 2006c) clearly states that those countries which have developed e-government to a higher degree are also those with the strongest economic indicators: ‘this strong link between national competitiveness, innovation strength, and the quality of public administrations means that in the global economy a better government is a competitive must’ (Ibid: 3). There is, in fact, considerable evidence supporting the positive impact of new technologies in both the short and long term (van Ark and Inklaar, 2005).

An important element of the ‘European e-government platform’ is its emphasis on the development of an administrative framework that is favorable to business, especially through the reduction of administrative costs (i.e. the costs that companies must shoulder in order to comply with legislation and regulations; International Working Group on Administrative Burdens, 2004). For this reason, administrative reforms are included as a key element of Europe’s competitiveness agenda,¹⁵ as they can encourage user-centered services and eliminate ‘red tape’ (i.e. unnecessary administrative burdens), and facilitate the sharing of information across departments and levels of government. Although the precise link between the digitalization of public services and economic competitiveness remains complex and elusive, the introduction of new technologies has been recognized as also bringing other benefits (Nixon and Koutrakou, 2007). For example, a report produced by the Idabc e-government observatory (Idabc, 2005a) identifies seven types of interconnected benefits: improved quality of information and information supply, reduction of process time; reduction of administrative burdens, cost reduction, improved service level, increased efficiency, and increased customer satisfaction (Ibid, 2005a: 13). However, such tangible points seem to find unity in the broader objective of increasing economic competitiveness: ‘e-government can provide a major contribution to increasing economic competitiveness at local, regional, national, and community level. By streamlining bureaucratic procedures and increasing public sector efficiency, it plays a significant role in raising productivity levels in the economy as a whole’ (Ibid, p. 13).

The restructuring of services appears to have greater potential to satisfy the needs of firms than those of citizens, as is apparent from the diffusion and complexity of electronic services devoted exclusively to the business community

¹⁵ See also the ‘Ministerial declaration on e-government’ approved by Ministers responsible for eGovernment policy in the European Union, in Malmö, Sweden, on 18 November 2009: ‘We will enable and support the creation of seamless cross-border e-government services focusing our efforts on how businesses can be set up and provide and procure services and goods. To achieve this we will increase the trustworthiness, security, and interoperability of e-government services and systems in the single market in order to enable and support the creation of seamless cross-border services. A well-functioning single market is a prerequisite for increased competitiveness of the EU’ (http://ec.europa.eu/information_society/activities/egovernment/index_en.htm).

(Centeno *et al.*, 2005). Indeed, the most recent benchmarking report dealing with online services in Europe (Capgemini, 2009: 24) reveals that business-oriented services have developed much more rapidly than those aimed at citizens: 'business services remain more mature than their citizen counterparts. This confirms the global trend that governments continue prioritizing the development of business services, with higher (sometimes mandatory) uptake and more tangible impact on a country's economic performance. Sophistication for businesses now stands at 90% compared to 84% in 2007. Average sophistication of citizen services scores 12 points lower, standing at 78% in 2009, compared to 70% in 2007'. Thus, service availability for financial entities entails a *de facto* prioritizing of the business sector.¹⁶

EU policies are likely to continue to be technologically and commercially driven,¹⁷ despite renewed demand for services and for citizen-customer needs.¹⁸ An important chapter of the European strategy indicates the interconnections between e-government initiatives and the social dimension of development.¹⁹ Although 'differences in economic performances between industrialized countries are largely explained by the level of ICT investment' (European Commission, 2005: 3), this result can only be achieved through policy convergence and a willingness to adapt regulatory frameworks in order to facilitate the mobility of citizens and businesses. Cross-border company registration and the interoperability of European e-procurement are examples of how e-government can respond to single market necessities. Some initiatives relate to the creation of web portals designed as single entry points for businesses, which enable interactions between financial actors and institutions, regardless of their position at local, national, or supranational level. The final objective is the creation of 'online one-stop

¹⁶ A publication by the Idabc (European e-government services) provides data related to accessibility, revealing a highly unequal development of e-government services for businesses as opposed to those dedicated to individual citizens: 'Priority in developing eServices is generally in favor of business with the result that companies in the EU-18 can access 74% of all services for businesses online, whereas the comparable figure for the EU-10 is 55%. Citizens of the EU-18, however, can only access 37% of services on the Internet; those living in the 10 new member States only 33%' (Idabc, 2006: 4).

¹⁷ Cfr. The ICT Policy Support Programme (part of the new competitiveness and innovation programme), which devoted €25 million to the implementation of the e-government action plan.

¹⁸ Cfr. Michael Blakemore, *Think Paper4: eGovernment strategy across Europe – a bricolage responding to societal challenges. Report prepared for the eGovernment unit*, DG Information Society and Media, European Commission: http://europa.eu.int/egovernment_research November 2006. The social implications of e-government are also considered in the inclusive model associated with the i2010 action plan. Reference may also be made to specific measures which aim to deliver public services to vulnerable groups who are at risk of exclusion (cfr. European Commission, 2009a).

¹⁹ E-government policies are still scarcely *citizen-oriented*. Nevertheless, the implications of the formation of a new administrative space do not only regard market considerations. Efforts in this field evoke general interests involving social and political objectives and new standards for administrative action. We are witnessing the development of a body of principles – fairness and transparency, the people's right to be heard and the administrative duty to set out the rationale underlying decisions, the so-called principles of 'good administration' – able to transform the public administration, giving rise to 'a process of procedural harmonization through the constitutionalization of administrative law norms' (Harlow, 2005: 289; Fortsakis, 2005).

government', which requires that all public authorities be interconnected and that the customer (citizen, private enterprise, or other public administration) can access public services via a single point, even if these services are provided by different public authorities or private service providers. The technical infrastructure is then conceived as the basis for enabling the administration to present itself to the citizen as a unified actor: information and services are offered through a single computer-based outlet, thus preventing the need to contact several public agencies: 'the key issue of presenting and structuring information and services in a one-stop government is that the customer does not need specific knowledge of the functional fragmentation of the public sector'²⁰ (Wimmer, 2001: 2; 2002; Realini, 2004). This possibility highlights the need to encourage interaction between administrative agencies and overcome cultural differences that could prevent access to the same service in different countries. The main challenge is to identify common procedures for using and accessing the available data, as well as sharing the logical structures that underlie the management of this data. The goal is a computer network that becomes an infrastructure for the introduction of shared organizational and cognitive models. In other words, the so-called technology revolution, within the European landscape, generates powerful pressures for analogous transformations in administrative practices, and at a deeper level, in values, assumptions, and experiences (Moxon-Brown, 2004).

The search for policy convergence: the European security space

Public security remains one of the most relevant and controversial policy areas in the EU, as it involves the complex and delicate balance between individual liberties and state control/authority. It would not be an exaggeration to suggest that this issue represents a true dilemma for the EU. As with e-government initiatives in general, security policy is considered a precondition for political and economic development (European Commission, 2003b), and is associated with the fight against terrorism, organized crime, and interregional conflicts. However, the management of personal data also involves a number of potential threats to privacy and civil liberties.

It is undeniable that new technologies have provided European institutions with a huge amount of data on citizens. Suffice to say that in 2006 a European directive provided for the retention of all communications data across the EU, with the result that service providers are obliged to conserve and provide designated agencies with access to records of all phone-calls, mobile phone calls (and their location), faxes, e-mails, and internet usage.²¹ This 'digital tsunami', a virtual avalanche of information, can only be governed by defining precise standards of

²⁰ An effective example is the multi-language web portal providing assistance to transnational activities involving individuals and businesses (<http://www.europa.eu.int>).

²¹ Cfr. Directive 2006/24/EC of the European Parliament and the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communication services or public communication networks.

organizational behavior. For this reason, within the framework of the European administrative space, security policy arguably requires additional coordination between Member States.

A Green Paper produced by the European Commission in 2006 criticized the delays in developing inter-operable systems to help in the fight against crime and terrorism in EU member states. Common technical standards and greater uniformity in legal regulations are considered the only way to integrate data from different detection technologies into a single system (European Commission, 2006a).

Other official documents emphasize that, in the field of surveillance, the convergence principle 'would apply to all areas where closer relations between member states are possible: agents, institutions, practices, equipment, and legal frameworks' (Statewatch Observatory, 2008). Security policy will require considerable investment in standardization, research, certification, and the inter-operability of detection systems in order to provide useful and applicable research tools. The report 'Research for a Secure Europe' (European Commission, 2007b) sustains that if European institutions collaborate more closely to promote security, member states, and other partners can achieve mutual benefits. In the same way, the recent 'Concept' paper from the Portuguese Council Presidency (2007) recommends that member states focus on building convergent platforms in order to ensure that all digital data streams can be integrated.

A good example is the creation of a system of identity cards based on detailed technical standards that are set at the supranational level. Such cross-border practices, introduced as a pilot project in 13 member states, permit the development of several new security systems, some of which make use of biometric data. On 28 November 2008, the European Commission adopted the 'Action plan on electronic signatures (eSignatures) and e-identification to facilitate the provision of cross-border public services in the single market'. This initiative aims to assist member states in implementing mutually recognized and inter-operable eSignatures and e-identification solutions.

In an analogous fashion, from 2009 onward, millions of people residing in the EU will be fingerprinted when they request a new passport, so that their identity can be checked (either one-to-one or one-to-many, against the whole database) for identification purposes (Statewatch Observatory, 2008: 11). The Commission concludes that 'without the deployment of an inter-operable e-identification mechanism within the union, new barriers will be raised in practice, thus at odds with internal market instruments which themselves have been trying to enhance the functioning of the internal market' (European Commission, 2008b: 11). According to this view, the aforementioned security measures represent an indispensable precondition for the delivery of new e-services and for the further development of the single market.

Only few years ago, the creation of a centralized database containing data on citizens of different nationalities would have constituted an impossible task.

Today, however, European institutions possess an incredible mass of data, and the possibility of achieving integration with other geo-political regions is not excluded. Indeed, the EU is making arrangements with the United States to intensify data exchange in relation to citizens, including personal information on credit card transactions, travel histories, and Internet browsing habits (Savage, 2008). New forms of transcontinental cooperation in data management have been developed within the ambit of global intelligence operations against terrorism (Roy, 2005). These actions have tended to shift power and responsibility from the national to the supranational level, in a field traditionally assigned to national governments.

It is nevertheless clear that the diffusion of supranational e-government still has numerous barriers to overcome,²² as ‘substantial legal, political, administrative, social, institutional, and cultural differences between member states and regions’ represent relevant impediments for a ‘growing number of important public services that seek to span national and regional boundaries’ (Leitner, 2003; European Commission 2007c: 4). Implementation depends on national preferences and strategies, with the result that many legislative acts supporting European e-government have not been applied or implemented at the domestic level.

E-signatures represent a good example, as more than 10 years after their adoption in Europe, research shows a highly uneven use of this technology.²³ A recent Idabc report recognizes the lack of mutual recognition of e-signatures among member states as one of the barriers in conducting business at the European level. Inter-operability is identified as the main complaint as ‘many applications rely only on CSPs accredited by their own national Accreditation Authority. [...] Among all surveyed applications, 20 applications have been assessed as opened for cross-border use in the sense of the above definition but none of them accept a signature generated by a non-National certificate’ (Idabc, 2009: 95).

European imposition or national fragmentation?

Owing to its nature and aims, one may ask whether the fledgling e-government policy might be linked with the very process of ‘Europeanization’, as it serves as an instrument to ‘transfer from ‘Europe’ to other jurisdictions of policy, institutional

²² An initiative funded by the European Commission, and led by the Oxford Internet Institute, the Barriers to e-government project team has identified seven key categories of barriers that can block or constrain progress on e-government: leadership failures, financial inhibitors, digital divides and choices, poor coordination, workplace and organizational inflexibility, lack of trust, and poor technical design. See <http://www.egovbarriers.org/?view=home>

²³ Security policies are not the only area in which a gap between policy and practice may be registered. For instance, ‘the roll-out of Inclusive e-government solutions is still in its very early stages in most countries, and in the efficiency and effectiveness objective many countries still do not have e-government measurement frameworks in place. In high impact services and key enablers, the large-scale pilots on e-procurement and eIDM (PEPPOL and STORK), although a good start, are still in their early days and need to attract more countries and stakeholders, whereas the coordination of separate e-participation policies and practices across European institutions is lacking’ (European Commission, 2009b: 10).

arrangements, rules, beliefs, and norms, on the one hand; and building European capacity on the other' (Bulmer, 2007: 47). Indeed, it can be argued that this policy area was born 'Europeanized'; that is, it developed from initiatives, objectives, and pressures associated with the EU. For example, the *e-Europe* program was crucial to enabling specific national action plans and clearing the way for EU funding (Idabc, 2005b). Thanks to the creation of an exchange and cooperation network for supranational administrations and the identification of best practices, public agencies are moving toward general convergence and uniformity of action.

These dynamics, however, risk generating top-down policies that are centered on technology, alongside a fragmented bottom-up policy that focuses on decentralization practices.²⁴ Seeking to strike a difficult balance, e-government policy appears to be substantially in line with many other European policy areas.²⁵ Where European integration has significant implications for national domains, 'EU effects' derive also from domestic responses to supranational pressures. While several studies have shown how the activities of many countries have undergone change in relation to policy-making, the 'impact of Europeanization is typically incremental, irregular, and uneven over times and between locations, national, and subnational' (Börzel and Risse, 2000; Featherstone, 2003: 4; Graziano and Vink, 2006).

According to Alabau (2004), a unified and coherent strategy has been displaced, as a result of the introduction of the action plan, in favor of a collection of initiatives linked to different themes, such as the information society, the internal market, and regional development. This fragmentation has been mirrored at the organizational level, due to weak coordination among the various action plans. The e-government program in Europe involves several centers of accountability, various administrative units, and does not have a unified expense budget. Fragmentation is also caused 'by the redundancy of bureaucratic and executive layers' (Amoretti, 2006: 1051).

The continuing emphasis that the EU places on the diffusion of infrastructure – an apparently neutral terrain on which the Union is authorized to intervene – derives from the strategic nature of this policy. E-government is undoubtedly one of the most effective tools for establishing common administrative standards, by defining the computer code and other technology options. This leads us to reconsider Olsen's suggestion that 'member States' preferences for administrative autonomy has to be balanced against the Union's need for effective and uniform implementation. [...] The European context suggests that administrative convergence is more likely to follow from attractiveness than from imposition. Convergence is also more likely to be an artifact of substantive policies than the result of a coherent European administrative policy' (Olsen, 2002: 925).

²⁴ Neo-institutional analysis on the use of information technology underlines how the embeddedness of organizational actors 'in cognitive, cultural, social, and institutional structures influences the design, perceptions, and uses of the Internet and related [information technology]' (Fountain, 2001: 88).

²⁵ On the development of the integration of EU and national administrative principles and structures in many policy areas, cfr. contributions to *Law and Contemporary Problems*, 68, 2004.

If the ‘European administrative space’ is accepted as an effective metaphor to describe the harmonization and homogenization of public administrations in Europe, then we should consider the national and subnational responses to the pressures described earlier (Overeem *et al.*, 2007). Can we speak of *attractiveness* in relation to inter-operational platforms, where refusal leads to exclusion from Europe’s institutional and financial network? And what exactly is the nature of this technology-based imposition?

There is no question that the EU continues to lack executive power when compared with national governments. However, it is not clear how the supra-national capacity to limit member states’ autonomy in the choice of organizational and functional arrangements should be defined, particularly as it influences so many individual and collective actors.

Along with these questions, the processes described above indicate the difficulties that exist in recognizing and defining the specificity of the European administrative level. On the one hand, these trends coincide with the developmental requirements of the EU, whereas on the other hand, they contain a thrust that goes beyond European borders, involving the establishment of an integrated market (including capitals, goods, and services), the development of a network-supporting global administrative standards and the affirmation of oligopolistic corporations with the power to establish computer-based codes and platforms.²⁶

A new political regime is thus emerging, in which private actors exercise public functions, claiming autonomous normative power on the basis of their standard-setting functions. As always, new public–private relations have immediate implications for citizens, as we have seen in the case of security and privacy policy. As the creation of a European administrative space represents an important form of European integration, it is important to clarify the role of private firms in relation to this process. Despite the traditional notion of the ‘neutrality’ of technologies and standards, the creation of the ‘European administrative space’ is constrained by guidelines defined by a restricted elite, comprising key actors and technical committees. Analysis of this problem would make a substantial contribution to current debates about ‘Europeanization from below’.

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²⁶ The spread of new technologies, according to Lessig (1999: 59), could increase the importance of private actors in the (more or less concealed) management of the public administration. When the computer code decides what people can or cannot do, then the privatization of law codes becomes a less remote possibility.

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