MISKOLCI EGYETEM ÁLLAM-ÉS JOGTUDOMÁNYI KAR DEÁK FERENC ÁLLAM- ÉS JOGTUDOMÁNYI DOKTORI ISKOLA

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ADMINISTRATIVE SIMPLIFICATION TECHNIQUES IN THE EUROPEAN UNION

(Abstract of the PhD thesis)

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I. The summing up of the research task

1. The subject and the hyphotesis of the dissertation

I entitled the topic of my doctoral research as "The administrative simplification techniques in the European Union", which represents a quite a complex issue. Its complexity principally appears in the difficulty of the determination of its expression and nature itself.

The administrative simplification can be perceived as a kind of umbrella, which hides a multitude of simplification projects. It is perceptible as an integrated and coordinated approach being associated with other regulative reform (such as the creation of e-government), but may express itself as the engine of the regulatory reforms. The administrative simplification has no standard definition. As the synonym of the reduction of bureaucracy accompanying with burden (time, money) its importance expresses itself primarily in the administrative procedure reforms, in the reduction of paperwork, in the establishment of single points. The administrative simplification indicates a political field also which deals with the reduction of unnecessary administrative burdens arising at the time of complying the bureaucratic obligations by the undertakings and clients. So it is understood as the tool of the development of regulatory quality aiming at the reduction of the administrative burdens. It includes the development for improvement the function efficiency of the administrative system in the interest of the constitutionality and the insurance of the economically favourable environment. Under simplification such a method-issue can be understood which examines the workflows and the management process of administrative practice. I do not deal with this method-question, and I do not examine the civil service development field, and do not discuss issues on the modernisation of administrative organization system, the rearrangement opportunities, the refinement of the competences stemming from the administrative authorities' regional arrangement, or from passing of the tasks or competencies.

Secondly its position among the administrative development programs cannot be considered for unproblematic, since the contents behind the expressions concerning the administrative change themselves are not clean-cut.

The administrative simplification policy can be achievable with the application of the simplification techniques. These tools allow to develop administration by an identical value, which is the qualitative administration. I collected the administrative simplification techniques based on the relevant literatures and the practical experiences. According to this, by grouping, I analysed the administrative process reforms belonging to the transparency principle; the paperwork reduction, the one-stop shop/single windows, the reduction of permits, the simplification of permitting procedure building on the usage of infocommunication technology (ICT); techniques in connection with regulatory quality, legal system/process/rules development as "better regulation", the measurement of administrative burden and reduction of that, the usage of alternatives to regulation. I touched on the participation options and the role of ombudsman which contribute to the fulfillment of the simplification policy purposes. I emphasized to examine the initiatives for reducing the administrative burden of small- and medium size entreprises (SMEs), which is one of the main scope of the simplification policy since the administrative burden mainly hurts them, and I covered the tax simplification issue which is found to be the most important factor in the competitiveness of the European SMEs. By the grouping I wished to grab the essence of the techniques. Their artifical division serves only the better understanding. Their connection and relation, combining an integral unit is undisputed. We have to perceive that the transparency principle as a "good administration" notion covers the whole simplification policy, the techniques create a close connection to the usage of ICT tools, and we can treat the regulatory development as the engine of the simplification process. The list of simplification techniques used by EU institutions and member states is not exhausting, newer and newer techniques and their spreading is expected. The administrative simplification techniques are not static elements, hereby the difficulty of the research intensifies longer.

Because of my professional experience, I try to restrict, where possible and can be interpreted, the comprehensive examination of the research to the public administration's special, in generality less known area, namely to the major industrial accident prevention topic of disaster management which cannot be separated from certain environment protection issues. I do not aim for the detailed presentation of the union and member state practice of the major industrial accident prevention, but only to form a picture on the involvement by the simplification of this narrow but from defensive, safety, and environmental viewpoint an exceptionally important branch of the administration. The industrial accident prevention issue serves as a good example in the field of simplification in a number of cases, so in connection with administrative procedure reforms, the permitting, the administrative burdens, the regulative quality, the participation, the ombudsman. Considering that the majority of the dangerous industrial firms in the most member states can be considered as a small and mediumsized enterprise, so the regulations easying the undertakings' function and the initiatives for simplifying the taxation can be applicable to them.

The administrative simplification in its concept, approach, support represents a constant change and a renewal issue. The compiling and detramination of its features is not an easy task. The analysis of the techniques may form either an independent topic of the research, so the elaboration of the examinations reaches as far as depth that is enough to their understanding.

As antecedents of the topic in international research of the administrative simplification the OECD examinations found to be considerable made in the framework of regulative reform, primarily what concerns the presentation and collection of good practices. The theoretical, scientific approaches can be considered incomplete to this day, in spite of that the modernisational or reform endeavours partly affect the simplification field.

I take the fact as a starting point that the administrative simplification policy contributes to the establishment of the efficient regulative environment, assist the company in the development, encourages the application of the technological innovation and last but not least increases the competitiveness of the economy. The criteria of the efficient state is that its administrative activities operate in optimal circumstances, fast and efficient way. Any kind of intervention which makes the criteria for operation better, indirectly improves the enforcement of the whole participants in administration. This success in the citizens' case is reflected in the increase of their confidence for the public administration and their satisfaction, in case of the economic players (companies) it presents in an actual economic benefit, profit,

the administrative authorities are though likewise concerned in the application of the automating administrative processes. By using the administrative simplification policy the operation of administration can be made more effective, the simplification techniques assist to make the administrative activity better in view of the citizens and businesses (especially SMSs) for the enhancement of economy, for the satisfaction of participants in administration. My proposition is that the application of the administrative simplification techniques points beyond that we consider them merely from an administrative viewpoint.

My additional proposition is that the state's role has a significant importance in the simplification approach. The level and depth of intervention has an influnce on the used techniques. The "small state", "lean and necessary state", "good government/governance" conceptions effect the features of the practical usage of simplification policy and techniques, and the simplification techniques appear in each of the approach regarding to the state intervention independently from the level of the state's role.

2. The reason for choosing the topic and its actuality

A professional experience caused me to start dealing with the issue turning into my research topic with scientific fastidiousness. On October 2001, 60 governmental representatives of 25 OECD countries met in Paris with the aim to dispute the practice of administrative simplification techniques. Hungary gave a report on the application of the simplification techniques in a preliminary written document. As a representative I produced a presentation on the document offices functioning as a single window. At the conference other countries' representatives gave an account of their simplification practices which for me meant a full novelty at that time. As an administrative specialist, seeing and experiencing the domestic public administration development situation, compared with the progress of other OECD country, a deep resolution was born in me into the direction of the examination of the simplification.

The administrative simplification is not a new phenomen. In EU, by my experience and the examinations, the topic got an increased focus in early or middle of 2000. As concerns the future, the administrative simplification will probably be one of the top agendas in the activity of EU institutions and member states in spite of that the

EU institutions and the member states pursued spectacular simplification politics in the past 10 years. Perhaps we do not face successful initiations this much, but this does not mean that the topic would lose from its significance. It is because the measurement of the administrative burdens, the quality of regulation and the e-government developments demand a continuous activity. Despite the pessimistic scenario, which expresses in the "losing money" problem of administration simplification or in the bigger pressure for regulating, we stand by the optimistic tendency.

The actuality of the topic is emphasized rather yet by the 2008–2009 financial and economic crisis which sensitively concerns Europe. The crisis sheds light on that the remedy of the incomplete, ineffective legislation is needed. With the administrative simplification, as the tool of regulative quality, the regulation can be reexamined, the administrative burden which can be derived from it is avoidable, the paperwork can be reduced, the bureaucratic formalities can be limited to the necessary level. The European Economic Recovery Plan points out also that in the present economic and financial difficulties, and because of the increasing pressure imposing on the undertakings and households, the better regulation and the issue of the administrative burden was never like this yet important. Europe as a common, real union tries to get the challenges caused by the crisis over, which makes the role of administrative simplification more important.

3. The aim of the research

My primary objective with the theoretical and practical research of the topic and its intensive analysis is to call the attention for the importance and significance of the administrative simplification policy.

By way of compiling the motivating system of the administrative alteration I wish to point out that certain internal and external factors have an effect on the administration's function. Such a factor is the "phenomenon" of integration and the European Administrative Space. I inspire to manifest that the level of state'role and intervention has an importance in view of simplification policy and used techniques. The examination of exploration and its character of the simplification politics and initiative, the revealing of the moments of simplification strategic plan, the grouping of

the simplification techniques, the summary of their features serves the primary objective.

I make an effort to determine the notion of administrative simplification with the assistance of revealing the contents behind the administrative change concepts (development, modernisation, reform, modernisation, rationalisation) referring to the complicated character of their relation. My aim is to gather and introduce the administrative simplification techniques applied by the EU institutions and member states and to outline the benefits (possible disadvantage) of using them. I wish to contribute to the promotion of the even bigger success of the simplification techniques used by the EU institutions and the member states (so the Hungarian practice), with the examination of techniques serving as the good (or best) practice, with draughting of proposals laying the administrative and legal foundations and progressing directions based on the examinations. I show that the usage of techniques leads to the economic benefit, to the enhancement of competetiveness, to advantages beyond the administration.

My first goal with the picture of major accident prevention policy belonging to the defense management in administration is, because of my professional activity, to give insight on the official procedure of this narrow area of disaster management, secondly to call the attention to the dangerous industrial establishments in our vicinity, the dangerous activity, obligations of the operator, the role of publicity, on which we were not aware of or did not pay any attention to.

My final objective is the increasement of the knowledge connected to the administrative simplification, acquaintance of the examination results, development proposals in the interest of the extension of knowledge. I make this, in spite of that administrative simplification – in international and national relation – not a new thing, but the related general knowledge proves to be slight.

II. The eximinations done and research methods applied

In part 1 of the thesis mainly with the application of descriptive method, building on written professional literature, I examine the internal and external motivation system of the administrative change such as the administrative simplification, focusing on the role of integration. By analysing the relation between the union and national public administration I show up the importance of the European Administrative Space. By using the Hungarian and international literature I examine and analyse the content behind the expressions in relation to the vary administrative change notions (development, modernization, reform, rationalism) in order to get closer to the clarification of the expression called administrative simplification. I outline, by comparative and historical method, the creation of administrative simplification policy. I illustrate, for the relation between the simplification initiative and the state's role level, the deregulation tool of a "small state", the techniques currently used as the result of the active level of state's role and I indicate the movement to the direction of a more integrated simplification policy and intelligent regulation. I point out firstly that the conceptions of the "small state", "lean and necessary state", "good government/governance" have an influence on the features of the practical usage of simplification policy and techniques, and I also point out that the simplification techniques appear in each of the approach regarding to the state intervention independently from the level of the state's role. The currently typical active state role is observable in the area of disaster management, since the strong state insures the stability, handles the challenges, and crisis. Therefore on an analysing, historical manner I do the short review by analytical and historical manner of Seveso directives laying down the basis requirements concerning the creation of industrial and environmental safety forming the basis of the major industrial accident prevention policy. I make this because in the course of the application of simplification techniques - where it's possible and can be interpreted - I bring an example of this area. Following it, emphasising the strategic role of simplification by the literature being available for me on the basis of preliminary sources (catalogue, topic bibliographies) fundamentally on a descriptor manner I gathered the factors leading to the success of simplification initiatives (features including national characteristics, longterm and constant political and institutional support, application of administrative simplification techniques). I pay special attention to the examination of administrative simplification techniques belonging to the implementation phase of strategic planning. I introduce the grouping of the techniques which can be divided into the list of transparency; legal system/procedures, regulatory quality; electronical, infocommunication tools.

In part 2 of the thesis – by using the Hungarian and international literature and legal rules – I examine one by one the currently used comprehensive simplification techniques belonging to the same grouping, applied by the EU institutions and member states and in the course of it I seek out to show good practice from the activity of EU institutions and member states, including the Hungarian practice. I analyse of their essence, and advantages (and possible disadvantages) of using them. To this, I use the results of OECD surveys and the international literature. In the European Union in the course of the independent examination of simplification techniques applied by the union institutions and member states I try to digest the thoughts of books and journals in Hungarian and in English language concerning the topic, fundamentally on a descriptor, analysing manner. Beside it I make use of specialisation substance prepared by using number of internal working materials, professional lecture, consisting documents with digital objective facts and approaches, built upon individual experiences, statements, and proposals for solution, applying the method of the induction and deduction to that. The processing of documents in foreign language is the result of my own translation. During the research work the adaptation of the acquired knowledge on the international programs (in working parties) into the domestic legal environment was found to be important and I could utilize my knowledge obtained through consultations with Hungarian and foreign country experts in the course of the completion of the thesis. From among the union's legal texts the usage of the notion in Lisbon Strategy, in the better regulation action plan, directive on the services in the internal market and Seveso directive and the examinations, results made by OECD in the framework of a regulatory reform served as the basis of my research. In the aspect of the national legislation the provisions of the act on disaster management and its executive order beside the act on the general rules of the

administrative procedure and service can be considered as for a starting point. In view of the fact that the benefit and advantage of administration simplification policy and techniques is expressed in measurements, therefore the statistical information and the method of data analysis got a role in the course of the research.

I demonstrate the moving forward to the approach of good government which has the sensitivity of social claims, provides transparent, comprehensive participation in decision making, has a consensus-orientated, democratic, rational (effective) and reactionready (flexible) feature and I refer to the orientation to the intelligent regulation of simplification as a regulatory quality development tool.

In **part 3** I outline the role of other tools, such as the participation and the ombudsman, to promote the implementation of administrative policy and initiative. I introduce the simplification methods for supporting the SMEs since the red tape processes, the overregulation, the administrative burdens, and the compliance to the regulative environment cause them special difficulties. Among the competitiveness factors of SMEs one of the most important is the taxation issue, therefore the introduction of tax simplification techniques forms part of the research.

In **part 4** I sum up the activity aiming at the administrative simplification of the institutions of the European Union and the member states by taking into consideration of consequences and results of international surveys and by own private experienced gained, applying the induction, deduction and the comparative method and I indicate progress routes.

III. The summing up of the research results and its utilization

1. New research results

I pointed out the features guaranteeing the success of the simplification policy, which are expressed in the suitable strategic planning and in the application of administrative simplification techniques used for its implementation.

Adequately to the aim I analysed the features of administrative simplification policy and initiatives, its background to the development, its institutional support and I identified the concept of the administrative simplification contributing to the understanding of its relation with other development politics.

I gathered, characterized and valued the administrative simplification techniques applied by the European Union's institutions and the member states with putting them into the system of simplification strategic planning process.

I verified with measurements, research results that the administrative simplification is not merely an administrative question, but it contributes to the increase of competition, the increase of the economy. Therefore it leads to the clients' and the undertakings' satisfaction. I pointed out also that independently from the state's role level the simplification approaches apppear, although the used techniques can be varied at the different levels.

I directed the attention to the importance of administrative simplification according to my primary and final objective and I increased the regarding general knowledge.

The research methods, literatures and the electronic sources used to the execution of my work, my domestic and international experiences obtained on the simplification insured the comprehensive examination of the topic, the exploration of the related contexts, and they contributed to the working out of the worded inferences. As a result of the combined impact of overweight I managed to get into statements which helped me to propose administrative simplification solutions, tools, procedures which can be utilized in practice in connection with additional development of the techniques.

These proposed solutions, procedures can be summarized as follows:

1. Regarding to the progress route of simplification politics

a) The strengthening of the collaborating is needed for the further development of simplification policy and building on the member state', the European Union's and on the international intellectual results is necessary.

b) Regarding to the development route of simplification policy more solutions can be perceived. The policy can be appeared as not only as an independent aim, but as the part of a comprehensive program. It is also imaginable if we treat the simplification issue as simply the synonym of regulative quality or explicitely we think of that as an element of the e-government activity of governments. To decide on the progress route by the governments is important not only because they have to determine and elaborate the right balance between the simplification and other aspects of develeopment because of the location of financial, human, capital, support resources. It is practical not to rive away the simplification program and to treat independently as a sectoral approach but to impregnate it into the economic policy. It is important to create longterm approaches instead of short term, ad hoc policy by the creation of strategical view. There is no "one fits all" theory in simplification policy, therefore the private national initiatives should be supported in finding the direction of the development to which the mutual distribution of the good practices may bear a hand.

c) The modification of the character of simplification policy is suggested. It is proposed to introduce the comprehensive, wide-ranging programs instead of bottomup approach. By the orientation of the whole-of-government view the ad hoc or sectoral feature is rotated by the approach impregnating to the economy policy. It is suggested changing the perception that the determination of certain policy problems is based on custom, tradition, or institutional culture instead of rational analyse of conformity of different tools. The widening of communication, the real involvement of the society, the expansion of the possibility of the commenting by the society and its timeline, provision of wider participation, forming of comprehensive consultation can be supporters – by well prepared, reasoned strategy – for the realization of simplification policy. d) By revealing of the momentum of simplification strategy and the concrete results of the advantage/disadvantage of used techniques the acceptance and support of the simplification programs can be increased. The simplification initiations, the efficiency of the techniques have to reckon with measurement facts being based on methods, values. It is practical to indicate numerical data in the purpose of the simplification initiatives or program, which can be a basic by the comparison with the final result. It is indispensable to ensure the publication of the measurement results in order to prove the progress. For the distribution of results it is suggested formulating a communication strategy by determining the contact channels as well. Greater attention shall be payed to the international comparison of the qualitative, numerical data.

e) There is a need for the conscious, strategy planning (for annual simplification plans), which involves the appointment, setting up of a stable and permanent responsible organ for the simplification within the wider unit in charge of administrative reform, to which more solutions can be proposed (within the ministry of the interior, the prime minisiter office or other sector).

2. Regarding to the development of the application of the single simplification techniques

a) During the paperwork reduction by infocommunication technology instead of using the view which stands the governmental institutions to the centre, building on the citizens and businesses by using consultation method is proposed. The development of e-government requires holistic approach which involves the whole administration, its total level, does not limited to only certain sectors or institutions. The efficiency, the repairment of the quality of the service and the transparency shall get such an importance than the cost reduction. The inspection and the evaluation shall be integrated into the planning of e-government to recognise the benefit/advantage. Giving expression to the benefit due to the usage of e-government means that more attention shall be payed on the evaluation and the benefit of initiatives. Uniform principles shall be formed to the monitoring and evaluation/measurement method. b) During the revision of necessity of permits it is worth considering to combine the permits into one, to substitute by notification, to swing it to electronic way, to set up single windows or one-stop shops.

c) It is necessary to introduce the "better regulation" policy and this view shall be build in the mind of civil servants and policymakers. It is proposed to formulate the ex post measurement and evaluation system of regulatory policy and the acceptance of the risk approach is advisable.

d) To expand the administrative burden exercise (the evaluation of burden in legal rules in addition to the priority areas; beside the examination of burden falling on the concerned by the central (governmental, upper level) the assessment of lower (under the central or municipal) regulations; focusing on SME; beyond the examination of the existing legal rules concentration to the proposed ones) is necessary.

e) The examination of the application of alternatives to regulation and further revealing of alternatives is needed for reaching the policy goals.

f) It is necessary to increase the participation by creating of such an open (online) consultation method where the involvement of different interests to the decision making the enhancement of the efficiency of legal rules can be supported.

g) It is expectable to find new techniques or other tools assisting the implementation of simplification policy.

3. In the major accident prevention policy

a) During the legal drafting for the provision of transparency – whether it is a directive or a legal rule – the clear divison of obligations regarding to the upper and lower tier establishments is needed. By keeping the timelines during the official procedure to avoid the silence situation is necessary because of the dangerous activity of the establishment. An electronically accessible database which eliminates the deficiencies of the present SPIRS system shall be created, keeping an eye on the data protection and security questions, avoiding that the data should not obtained by unauthorized persons.

b) The Seveso II. directive does not regulate the obligation for usage of the electronic devices, with putting its application on the member state's competence. In Seveso III.

draft the inspiration for the application of ICT is already appears (in relation to the creation of an electronic datbase). In member states the possibility of getting information and searching is provided, and there is an opportunity for downloading of forms also. While creating of the content of a website it is important to find the balance between the information level that can be reached and the measurement aiming at the elimination of their possible negative and unfair access. The content shall not induce problems which prevent and hamper the operator's work or data protection and security issues in the establishment, but it has to provide those data and information to which the public and the concerned ones have the right to access. The total procedure in electronic way may raise security concerns. In Hungary during the offical procedure the forwarding of the safety report and safety analyses cannot be exercised electronically.

c) It is worth considering, where can be interpreted, to formulate a single window for the combining of the environmental impact assessment and the integrated environmental licencing permit with the disaster management permitting system.

d) During the legislation the increasing of the timeline open for making remarks of the proposals, the preliminary consultation with the concerned ones and a more intensive dialogue among the ministries involved in coordination shall be created. During the policy-making process the ex ante evaluation of environmental impacts in the unborn proposals, the ex post evaluation of the efficiency of the present measures shall be revised for the execution of environmental aims.

e) Following the "let us work together" slogan the strengthening of the contact with the industry and the consultation contributes to the solution of the industrial accident prevention policy. Hereby they appear not only as the cause but the ones who look for the solutions as well. The conversation with the industry includes the inspiration of the voluntary agreements and other self-motivating forms. The participation of the industry in the legislation and in the decision making contribute to the administrative burden reduction, to the significant repairment of the collaboration of the administrative organs and the client.

2. The practical and theoretical adaptability of the research results

The stated ones in the thesis can have an emphasized role in shaping attitude concerning to the development of public administration.

They can serve as a basic to the development of the national administrative system, within that, particularly to the field of major accident prevention of disaster management.

They may contribute to the creation of the additional development programs of public administration, and to the more successful fulfillment of the work of the state, the municipal organs and the specialists dealing with administrative development tasks.

They may prepare, based on the proposals unborn, for the completion of the concepts, guides of legal rules and the definition of governmental, administrative priorities.

My thesis as a guide – following the accomplishment of suitable structural modifications – is utilizable in the educational system of the professional disaster management and Miklós Zrínyi National Defence University, Police College, and also in the education of the subjects of public administrative and European union law in the Law Universities.

3. Plans for the future

I am out for promoting of the application of the simplification techniques revealed in the thesis with my administrative professional work and for taking into account of the simplification approaches in the course of the legislation process on the industrial accident prevention issue. During the Hungarian presidency of the Council of the European Union from 1st January 2011 as the person responsible for the dossier in the course of the discussion of Seveso III. draft directive I favour the introduction of necessary measures in the interest of the reduction of the administrative burdens and my intention is to continue this notion during the work of the Polish Presidency.

IV. List of publications

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3. Az európai közösség adójoga. Magyar Jog (főszerk.: Németh J.) 2001. XLVIII. évfolyam, 12. szám, Budapest, p. 759-764.

4. E-government and information technology as administrative simplification methods in the European Union. Miskolci Doktoranduszok Jogtudományi tanulmányai 2/1. (sorozatszerkesztő: Stipta I.) 2002. Bíbor kiadó, Miskolc, p. 225-247.

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11. A belső piaci szolgáltatásokról szóló irányelv és a Ket.-novella közigazgatás egyszerűsítési eszközeinek hatása a katasztrófavédelmi igazgatási területre. Európai Tükör, 2010. XV. évfolyam, 1. szám, p. 34-52.

12. Bürokrácia csökkentési eszközök. Miskolci Doktoranduszok Jogtudományi tanulmányai (sorozatszerkesztő: Stipta I.) 2010. Bíbor kiadó, Miskolc, p. 59-79.

13. A közigazgatás-egyszerűsítés, mint a szabályozási minőség fejlesztésének eszköze az Európai Unióban. Új Magyar Közigazgatás, 2011. (forthcoming)

I am confident that the dissertation as result of years of extensive research efforts leads to that the competence treats administrative simplification to be as a serious challenge and has such a commitment just like as I had.

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