

## Dimensions of Administrative Culture in Estonia

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*In: The European Dimensions of Administrative Culture in Europe. Schriften der Deutschen Sektion des internationalen Instituts für Verwaltungswissenschaften 33. Ed. Beck, J.; Thedieck, F. Nomos. 2008. S. 144-160. Reproduced with permission of Nomos Verlagsgesellschaft mbH & Co. KG.*

### 1. Definition of Administrative Culture in Estonia

One possible concept encompassing the dimensions of Estonian administrative culture was given by Mäeltseemes et al in the compendium *Foundations of Administrative Culture in Europe*, published in 2007 by Nomos<sup>1</sup>. This edition was published based on the discussions in the Congress of Local and Regional Authorities of the Council of Europe. The current cumulative paper offers an updated version of the dimensions of Estonian administrative culture and adds a fifth level of interaction to the concept by integrating possible outbound incentives to cultural aspects.

The basic term *Good Governance* has not yet found its way into the Estonian legal system (for example in Finland which is given as a shining example of well-organized public sector matters, the term is introduced in article 21 of the constitution). Yet, the article 41 of the European Union Charter of Fundamental Rights introducing the concept of "good governance" is of an important nature in Estonia. According to a Supreme Court judgement<sup>2</sup> from 2003, the concept of a citizen's right for good public administration is derived from various court procedure acts and from article 14 of the Estonian constitution. The charter of fundamental rights is not mandatory for Estonia, although, all main principles of a democratic state of law have found its place in our legal and administrative system. For example, the Administrative Procedure Act in conjunction with the constitution's article 14 brings out that all administrative proceedings have to be carried out in the most efficient and fastest way, avoiding any extra costs or negative experiences for the people involved. All proceedings have to be proportional and appropriate and necessary for achieving the possible goals.

Dr. Kristiina Tõnnisson from Tartu University has aimed to describe some distinctive characterizations concerning the Estonian administrative culture in local governments<sup>3</sup>. It is not an easy task but here are some features of a more distinctive nature:

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<sup>1</sup> Mäeltseemes, S; Madise, Ü; Aas, K; Vinkel, P. (2007) Administrative Culture in Estonia. In Thedick, J. (ed) *Foundations of Administrative Culture in Europe*. Nomos. S. 135-145.

<sup>2</sup> Supreme Court judgement no. 3-4-1-1-03 from 17.02.2003.

<sup>3</sup> Tõnnisson, K. (2006) *The Applicability of New Public Management Principles in Estonian Local Government*, Tartu: Tartu University Press. PhD dissertation.

### Dimensions of Administrative Culture in Estonia

- Constantly changing expectations from the central government towards the local level have not increased mutual understanding. There is no consistent system for consultation, information-sharing and collaboration between the state and local governments.
- Estonian municipalities have achieved the most visible outcomes in organizational restructuring, though even then not all of the stated purposes have been accomplished.
- Neither structural changes nor changes in managerial approaches have succeeded too much in developing new values and working practices among local administrators.
- Since public administrators' values and attitudes directly affect the processes and outcomes of public administration – often more than the structures and processes themselves – Estonian local administration is still rather far from “good public administration”.
- Municipalities feel “left alone” by the state in important matters. Municipalities themselves have to overcome the difficulties and to find resources to fulfil their duties imposed on them by the state.
- Public administrators fail to see themselves as part of a greater whole – the Estonian society. Often the division of “we” e.g. local governments and “they” e.g. central government is too strong.

As far as there have not been any essential studies concerning Estonian administrative culture and the theoretical background of these phenomena yet, this current paper views different problems concerning the Estonian administrative culture through appearing cases. The structure is divided into four conceptual levels: the first *grass-roots* level, the second level of cooperation, the third, the intra-official level and the fourth national level. The fifth level comprises an essence of the out-bound influence on the characteristics of the national administrative culture. The main units in this paper are local government administrations as the first outpost of the public sector in dealings with citizens.

By our concept the core of a national administrative culture is derived from the mode of relationship of the general public and the administration. The relations are determined by values, procedural and behavioural rules. These aspects have also a strong influence on the intra-official “chemistry” that gives a face on the relations with the general public and appears to be the source of a certain cultural appearance.

## 2. The Elements of Administrative Culture

### 2.1 Between citizens and (local) authorities

#### *Public initiative and involvement*

Democratic self-government presupposes sufficient opportunities for local population to have a say in the local matters. For example, an opinion poll is obligatory if redrawing the boundaries of a local municipality is considered<sup>4</sup>. The results, however, are but of an advisory nature. Additionally, according to the Local Government Organization Act at least one percent of the residents of a municipality with the right to vote but no less than five such people have the right to initiate adoption, amendment or revocation of municipal legislation; such initiatives must be addressed within three months at the latest.

The opportunity has seldom been taken but, for example, in the late 1990s, it happened twice in Tallinn which required at least 3,000 signatures. One initiative concerned the possible construction of a road in a district of Tallinn and the other - the privatization of Tallinn's central market. In the first case, the City Council accepted the reasons given in the initiative but the arguments laid down in the second one were not taken into account.

For five years now, under the initiative of the government an e-portal named "TOM<sup>5</sup> - Täna Otsustan Mina" (Today I Decide) is being implemented. This portal has been an important milestone on the way to e-involving. Through this portal all citizens have the possibility to make proposals and draft legislative initiatives. All presented propositions have to be answered by different ministries and motivated if rejected. Currently this application has served as a forum of ideas and the concept has found wide appreciation all over the world.

At the beginning of 2007 a new next-level web-solution for popular e-involvement was created. The webpage is called "Teeme koos- Let us do it together"<sup>6</sup>. The solution offers the possibility for Ministries to offer draft legislation for public discussion. Such topics like development plans for Estonian Security Policy 2015 and the Estonian EU Policy 2007-2013 are open for discussion. The site is being administered by the State Chancellery.

#### *Local opinion polls*

A Referendum as a direct democracy tool is allowed only on the national level. After the adoption of the Estonian Constitution only one referendum has been held on joining the European Union and changing the Constitution<sup>7</sup>. On the other hand, local referenda as binding processes were found unconstitutional by the Supreme Court<sup>8</sup>. However, conducting local polls is one way of involving local citizens in the deci-

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<sup>4</sup> Estonian Constitution Article 158 (All legal translations at: <http://www.just.ee/23295>)

<sup>5</sup> Address: <http://www.eesti.ee/tom>

<sup>6</sup> Address: <http://www.osale.ee>.

<sup>7</sup> The results: Turnout- 64,1%, Yes- 66,8%, No- 33,2% ([www.vvk.ee/rh03/enght.html](http://www.vvk.ee/rh03/enght.html)).

<sup>8</sup> Supreme Court judgement No III-4/1-3/93 from 1993 (<http://www.nc.ee/?id=488>).

sion making process. Although the results are not binding, they do count as a valuable source of information. By 2006, only in the capital city of Tallinn, the largest local community, there have been four local polls altogether.

- 1) The issue of permitting construction on a destroyed downtown street (the *Harju Street* was completely destroyed during WWII) - June 2002
- 2) The issue of imposing restrictions on night-time alcohol selling – April 2004
- 3) The issue of deciding the appropriate place for a Statue of Liberty – January 2005
- 4) The issue of building municipal apartments for young families – October 2005

Approximately 2000 citizens took part in the first and over ten times more in the second local poll. However, even the last number is not sufficient considering the total number on citizens in Tallinn (300,000 eligible citizens). Special attention should be paid to the third local poll about the question of the Statue of Liberty. Beside the insignificant poll results, more importantly the first public i-voting system was implemented. 822 people (16.1% of the total number of citizens expressing their opinion) took part of this pilot project. All in all, the first attempt at a first public i-voting trial was a complete success and people had the chance also to use this innovative system at local elections the same autumn<sup>9</sup>.

#### *Local meetings and decentralization*

One form of communicating with local people and counselling the public is a public meeting. As a good example, since 2003, permanently inhabited small islands have had their own Act stating that at least once a year there has to be a local island-meeting of all adults residing permanently on such an island. According to the Act, this meeting decides over important local issues and has a strong influence on decisions taken by local authorities.

Another institution of local decentralization is the village elder. This has always been a fine way of implementing “grass-root level” control over decisions in small communities. There are over five thousand villages in Estonia and approximately one third of them have chosen their village elders. The system provides a good link between local people and local authorities.

#### *Public discussion*

According to the Local Government Organization Act, the municipal budget must be made available to the public at three or four stages while it is drawn up. The draft budget, the approved budget, the amendments to it or the supplementary budget and

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<sup>9</sup> More info: REPORT: Internet Voting at the Elections of Local Government Councils on 16 October 2005 <http://www.vvk.ee/english/report2006.pdf> and Madise, Ü. & Drechsler, W. (2006) Electronic Voting in Estonia, in: Kersting, N. and Baldersheim, H. (eds.) *Electronic Voting and Democracy. A Comparative Analysis*. Palgrave Macmillan, 297-108.

the report on the execution of the budget all have to be made available to the public. The budget must be based on the municipal development plan. The draft development plan must also be made available to the public before it is approved by the municipal council. Formulating the development plan provides the residents of a municipality with vast opportunities to have a say in the local life. Many municipalities have resorted to meetings, opinion polls and brainstorming when formulating their development plans.

The adoption of The Public Information Act has also brought us a great step forward towards a more open and transparent public administration<sup>10</sup>. According to the Act, the whole decision-making process on public organizations has to be transparent and all citizens must have the possibility to requests and receive all adequate information they need. Principles of public process are followed all the time.

### *E-communication*

The ICT development in Estonia has been fast and furious. Using digital channels has steadily gained in popularity. 63 per cent of the population aged 6-74 uses the Internet every day. 53 per cent of households in Estonia have a computer at home, and 89 per cent of these are connected to the Internet<sup>11</sup>. Estonia currently holds the fourth place in the EU25 in terms of online availability of basic public services.<sup>12</sup>

The main key words of E-Estonia to other countries are the I-voting project and various other innovative initiatives. In August 2000, the Estonian Government was the first in the world to make its Cabinet meetings paperless by using a web-based document system. Additionally, it is compulsory for all local governments to have a homepage in the internet and publish all administrative decisions online. The use of ID-cards as a practical way of identification has become more widespread after the amendment declaring digital signatures are equalized with traditional signatures. A total of over 1 million (up to 90% of active population) ID-cards have been issued by summer 2007. All public institutions are obligated to accept all digitally signed formal documents<sup>13</sup>.

Used in 2005 local government election and in 2007 national election, I-voting was the first case of pan-national binding Internet voting in the world. The Estonian i-voting system has been under development since 2003 and the objective has been to provide voters with an additional opportunity, raising thereby voting activity and voting convenience. These are aspects that influence citizens' attitude towards the public sector generally. E-voting does not replace the traditional methods of voting.

In the election i-voting takes place during advance polls (sixth to fourth day before Election Day) and ID-cards are used for voter authentication. Only authenticated persons with the right to vote are able to vote, meaning that a database of citizens with the right to vote was developed prior to elections. I-voting adhered to all principles that are characteristic for traditional voting. In order to avoid undue influ-

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<sup>10</sup> More info: Estonian Data Protection Inspectorate <http://www.dp.gov.ee/index.php?id=137>.

<sup>11</sup> Survey „E-monitoring”, TNS, spring 2007.

<sup>12</sup> Information Society Benchmarking Report, European Commission, 2005.

<sup>13</sup> More info: Estonian Certification Centre (<http://www.id.ee/pages.php/0303>)

encing of voters, there is a possibility of electronic re-voting – i-voters could recast their vote electronically following the same procedure and only the last vote is counted. Also, priority is given to the traditional means of voting (with a paper ballot) - if the voter goes to polling station during advance polls and cast their vote, the i-vote is deleted. Security risks connected with i-voting are comparable to online-banking. Both of the projects were a full success (in 2005 (2007) i-voter turnout 1,85% (5,4%) with 9 861 (31 064) cast i-votes)<sup>14</sup>.

Other Estonian e-governmental services include e-police, e-tax board, e-school and various e-services under the X-tee (X-Way) service portal<sup>15</sup>.

## 2.2 Between various local authorities

### *Local government associations*

The Estonian public administration system has one autonomous level of self-governance. There are 227 local government units, including 194 rural municipalities and 33 cities. Their size varies from the capital city of Tallinn with over 400 000 inhabitants to a small island Ruhnu with only 103 inhabitants. Thus, the average population of all our local governments is 6 000 and the average in rural municipalities even less – 2,300 people. Although an administrative territorial reform has been on the agenda for 15 years now, no effort has been made so far.

One possible solution to improve administrative capacity of local municipalities is mutual cooperation. For 15 years now, local municipalities have co-operated in various local associations following the Local Government Associations Act. In Estonia there is one association of cities and one for rural municipalities. Local governments have many social-economic responsibilities that require nation-wide cooperation and expertise to be carried out effectively. Unfortunately, conflicting interests and lack of co-operating experience still have a negative effect<sup>16</sup>.

*Take, for example the issue of public transport that caused problems between Tallinn and the surrounding local governments. Public transport usually needs subsidies and Tallinn's public transport has over the years been subsidized from the city-budget (for almost half of the bus company's turnover). Although certain bus lines reach out into the surrounding municipalities and the city bus company provides the service also to the residents, the local authorities there did refuse to contribute to the subsidiary system. As a result Tallinn's city council decided in 2004 to introduce a separate and much more expensive ticket fare system for people from the surrounding municipalities. Only after the involvement of Government structures and even the Chancellor of Justice the cooperative Public Transport Centre was formed and a suitable solution for commuters found.*

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<sup>14</sup> More info: Estonian National Electoral Committee <http://www.vvk.ee/engindex.html>

<sup>15</sup> More info: Estonian State Information System <http://www.riso.ee/en/>

<sup>16</sup> More info: Association of Estonian Cities (<http://www.ell.ee/862>) and Association of Municipalities in Estonia (<http://www.emovl.ee/index.php?keel=eng>)

### 2.3. Among civil servants and the organizational culture

#### *Code of Ethics*

The issue of normative value-orientation among civil servants in Estonia is regulated by the Public Service Code of Ethics adopted in 1999. The code of ethics is an annex to the Public Service Act of Estonia and as such recommendatory. Here are the rules:

1. *An official is a citizen in the service of people.*
2. *The activities of an official shall be based on respect for the Constitution of the Republic of Estonia provided for in the oath of office.*
3. *An official shall adhere, in his or her activities, to the legally expressed will of politicians who have received a mandate from the citizens.*
4. *Public authority shall be exercised solely in the public interest.*
5. *Public authority shall always be exercised pursuant to law.*
6. *The exercise of public authority shall always involve liability.*
7. *The exercise of public authority is, as a rule, a public activity.*
8. *An official shall be prepared to make unpopular decisions in the public interest.*
9. *A person exercising public authority shall endeavour to achieve as broad participation of citizens in the exercise of authority as possible.*
10. *An official shall always, in his or her activities, subject departmental interests to public interest.*
11. *An official shall be politically impartial in his or her activities.*
12. *An official shall make decisions based on public and generally understandable criteria.*
13. *An official shall avoid creating a situation which arouses or may arouse suspicion with regard to his or her impartiality or objectivity in considering matters under suspicion.*
14. *An official shall treat property entrusted to him or her economically, expeditiously and prudently.*
15. *An official shall use information which becomes known to him or her through official duties solely in the public interest.*
16. *A person exercising public authority is characterized by honesty and respect for the public and co-employees.*
17. *An official shall be polite and helpful when communicating with people.*
18. *An official shall be respectable, responsible and conscientious.*
19. *An official shall do his or her best in the public service by constant individual development.*
20. *An official shall facilitate the spread of the above principles in every way.*

Leno Saarniit from Tartu University studied the development of this code in her Master's thesis in 2002<sup>17</sup>. The code was mainly applied upon people taking an oath when entering upon the duties of public office and during the evaluation process. The first mechanism works out well - all new public officials have to sign an oath promising to honour the code. The second mechanism, however, does not work at all. How and to what extent the code is taken into account during evaluation is left to the corresponding evaluation committees to decide.

In conclusion, L. Saarniit emphasises that for the ultimate goal of an ethical public service, the Estonian Public Service Code of Ethics needs to be enforced and the appropriate practices analysed in order to apply the Code to better co-ordinate regulation of regulations between officials and to improve qualification of officials.

### *Career and responsibility*

In Estonia the civil service employs an open and position-based career system. Appointments are based on open applications, appropriate academic qualifications, professional aptitude and work experience. This does not mean that no one in Estonia has expressed the need to strengthen political input, for example in the leadership of Ministries. But it is difficult to determine the level of political influence among local government institutions. They are generally considered neutral and they represent local interests. There are approximately 4,500 public servants in the municipal public service system. Unlike many countries, the public service system does not include medical staff, teachers and academics. Their general working conditions are regulated by the Employment Contracts Act. A career-based public service system is used mainly in the military and in the foreign services diplomatic system. Working for the public sector has lately been very popular in Estonia. The very high number of people applying to study public administration and state sciences in different universities is a proof for that.

Local politicians and politically appointed officers (e.g. chairman of municipal council, the mayor) have four-fold responsibility:

- Criminal liability, if the activities of the officer have criminal characteristics (e.g. the official takes a bribe).
- Administrative liability, if the activities of the officer have characteristics of an offence (e.g. the officer conducts transactions in the name of the local administration with their own commercial organisations).
- Political responsibility, the municipal council can initiate a motion of censure against the officer according to the Local Government Organization Act.
- Responsibility to the people, the officer loses in the next election.

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<sup>17</sup> Saarniit, L. (2002) Application of Codes of Ethics: the Case of Estonia. Abridged in the *Public Service Yearbook 2003* ([www.riigikantselei.ee/doc.php?2022](http://www.riigikantselei.ee/doc.php?2022))

The two first types could be considered as classical responsibility – the officer who has violated the law faces negative consequences. But if no direct offence is found in the officer's activities, although their activities have been unethical or against the law in other ways, or even deliberately harmful, their “responsibility” depends only on the attitude of the public - how strict and demanding are the people towards the official. This means that Estonia chose a system which requires on the one hand attention and strictness of the people, and on the other, ethical, honest and wise behaviour of politicians and politically appointed officers.

#### *Administrative culture survey results*

In Mäeltseems et al (2007) a special survey was conducted using a web questionnaire based on the theoretical analysis of Cameron & Quinn<sup>18</sup>. As a result, the Estonian survey results are compared to the results taken from Cameron & Quinn. The value of hierarchical administrative culture is exactly the same as in the model case. But other values show a slight shift towards the *clan-adhoc* axis, leaving the market value quite low. One possible explanation for these tendencies might be that the model case is mainly based on American public sector agencies where values like competition, goal achievement and profitability should be more common. The fact that the ad-hoc profile is exceeding the model might show that the Estonian local government administrations and policy-makers are not too consolidated and even that the intra-organizational creativity and the search for new innovative solutions are not unknown. Some more thorough and complex surveys based on the above and additional theoretical models are about to be carried out late 2007 or early 2008.

*One of problematic cases concerning ad-hoc behaviour is related to impeachment procedures (public or secret voting) and has taken place in the capital city of Tallinn. Until 1998, according to the Local Government Organization Act voting over impeachment in a municipality council was secret. In 1998 the mayor of Tallinn started a process of impeachment against the chairman of the council. She was convinced that the needed majority was safe even at secret voting. Unfortunately the impeachment vote failed. After that, the mayor's party in the parliament adopted an amendment of the Local Government Organization Act that stated that impeachments have to be carried out through open voting. Many years after the amendment different smaller municipalities did not recognize those changes so that appropriate institutions (county governors and the Legal Chancellor) had to intervene.*

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<sup>18</sup> Cameron, K. S. & Quinn, R. E (2006) Diagnosing and Changing Organizational Culture. Jossey-Bass

## 2.4 Between central authorities and local authorities

### *The legal system and the role of Local Government Organization Act*

Similar to many other European countries the main principles of local institutions are enacted in the constitution (article 14). According to this section, local government autonomy is a vital argument and has always been of an important nature. There are many specialized parliamentary acts regulating the relations between the state and local institutions. All matters concerning election of local representative bodies have been regulated by the Local Government Election Act. The Municipal Budget Act and the Local Tax Act regulate local fiscal policy. Although local government units are actually financially quite dependent on the central government as only 22 of them manage without any central government subsidies<sup>19</sup>, the concept of local autonomy still has a strong position.

The European Charter of Local Government, ratified by the parliament in 1994, has a very strong position in the Estonian self-government system. It is being counted as the second most important piece of basic legislation concerning the local government institutions in Estonia. The charter has even been counted as a vital essence in the drafting of the local governments section in the Estonian Constitution<sup>20</sup>.

The Local Government Organization Act<sup>21</sup> is the backbone of the Estonian local self-government system, regulating municipalities' functions, responsibility, structure and competence of local institutions. The Act determines additionally the economical concepts and the relations between municipalities themselves and the state. It is very important to understand that the role of common law in context of Estonian local governments has been very minor. All regulations and modifications have to be presented very precisely in the law. That is one reason why the Local Government Organization Act has been amended for over 50 times within the previous dozen of years.

### *Role of State Audit*

Relations between municipalities and state audit are regulated by National Audit Office Act. Since January 2006, the role of National Audit Office<sup>22</sup> (NAO) as one of the municipality's external control mechanisms has substantially strengthened. The main task of NAO is to carry out external audit, giving its assessment to municipality's financial accounting and financial management, economic activities, including the legality of individual economic transactions and/or reliability of information systems. The National Audit Office cannot give an assessment regarding the performance of the audited entity's management, organisation and activities (economy, efficiency, effectiveness). The exclusion of the performance audit was due to the

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<sup>19</sup> The size of the grants from central government to local government equals one third of the income earned by the municipalities themselves.

<sup>20</sup> Tallinn University of Technology organized an important conference dedicated to the 20 years anniversary of the Local Government Charter in February 2006.

<sup>21</sup> Available in English under [www.legaltext.ee](http://www.legaltext.ee).

<sup>22</sup> More info: National Audit Office (<http://www.riigikontroll.ee/?lang=en>).

local government autonomy principle laid down in both the European Charter of Self-Government and the Constitution of the Republic of Estonia, i.e. the right to independently and definitively make decisions regarding local matters.

The said issue was the main source for discussion in the Parliament and it was the Parliament's decision not to grant the National Audit Office the right for performance assessment. At the same time, the described reason might not be appropriate, as the NAO, within the limits of its mandate, cannot in any way interfere with the activities of the local government. This is due to the fact that in its audits the NAO only makes proposals and recommendations. The NAO does not have the right to exercise executive and enforcement powers. The final decision regarding the implementation of the proposals and recommendations is made by each local government itself.

There are two other areas of cooperation between NAO and municipalities: developing internal control systems and internal audit in municipalities and taking part in legislation elaboration process.

Since the year 2006, there is a separate department in NAO in charge of audit in municipalities. First audit conclusions indicate that in the municipalities, there are many shortages in accounting, in budgeting, in counting municipal assets and in internal control systems. But the good indication is that all audited municipalities have accepted the shortcomings and taken measures in order to improve them. This shows, that, despite of initial reluctance regarding broadening the NAO's audit mandate in municipalities, cooperation between municipalities, the NAO, and also the state, is improving constantly and that the NAO is going to become an active partner to municipalities. For example, in 2007, a larger audit concerning the quality of public services in and info-society was conducted. As a result several shortcomings in the state electronic procedure rules were found and recommendations on an uniform conduct of e-public services were given.

## 2.5 Outbound influence and European dimension

### *The Accession Criteria and public service*

The Copenhagen Criteria are the rules and measures of actions that define whether a country is eligible to join the European Union or not. These criteria were laid down at the European Council meeting in 1993 in Copenhagen, Denmark<sup>23</sup>. The criteria require that a state has all the institutions to preserve democratic governance and human rights, a functioning market economy, and that the state accepts all the obligations and intents of the European Union.

The issues that are most interesting in the light of administrative culture are different political criteria in the field of democracy and rule of law. All Progress Reports during the accession period reported Estonia's strong positions and success in fulfilling the set out criteria.

The second very important pillar concerning the harmonization on intra-national structures is derived from the 1995 Madrid regulations<sup>24</sup>. In these the EU concluded

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<sup>23</sup> [http://ec.europa.eu/enlargement/key\\_documents/index\\_archive\\_en.htm](http://ec.europa.eu/enlargement/key_documents/index_archive_en.htm)

<sup>24</sup> [http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/ec/032a0001.htm](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/032a0001.htm).

that the harmonious integration into the Union of the central and eastern European applicant states would, in particular, require the adjustment of their administrative structures. Administrative capacity of the application states is considered as a crucial aspect in the acquisition of the *acquis*. This principle is also the main keyword in describing the influence of the EU on Estonian public administration.

Under these circumstances and in the light of the set criteria the discussions in order to adopt the European Union *acquis* and the principles of a common frame-setting were started in 1997. The EU plan Agenda 2000 for Estonia states that the structures and systems of the Estonian public administration still require significant development<sup>25</sup>. The main aspects brought out in the report were the fact that the Estonian public administration is understaffed, and that the legal basis for civil service is adequate but the political influence on officials, especially on local level, stays high. Here a notion of our concept's third dimension and on official responsibility can be seen. Also the report states that public confidence in the civil service is not assured. There is widespread dissatisfaction at perceived abuses in some parts of the administration, including local government. Often, detailed evidence to back up such perceptions is lacking, although confirmed cases do exist<sup>26</sup>. Here the notion is made on the interaction between local administrators and the public also mentioned in our first dimension. In the conclusion of the paper, the European Union stresses the following: *For Estonia to have in the medium term the administrative structures necessary for the essential work of applying and enforcing the acquis effectively there will need to be a major effort of reform*<sup>27</sup>.

In the next important agreement of the accession partnership in 1999 the EU states as a medium-term program the improvement of the public administration to implement and manage the *acquis*; in particular through ensuring minimum staffing levels and appropriate co-ordination between ministries<sup>28</sup>. The next accession partnership paper issued in 2001 keeps repeating the same principles that were laid out in the previous editions<sup>29</sup>.

On the other hand, progress reports about Estonian steps towards the accession were issued annually. In the beginning of the negotiations, issues concerning understaffing and limitations in human resources keep coming up. *Although Estonia has taken some steps to reform public administration and the judiciary, due in particular to limited human resources, progress is slow and administrative shortcomings exist in key areas such as financial market supervision, state aid monitoring, maritime transport and employment and social policy*<sup>30</sup>.

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<sup>25</sup> Agenda 2000: Estonia, p. 106 ([http://ec.europa.eu/enlargement/archives/pdf/dwn/opinions/estonia/es-op\\_en.pdf](http://ec.europa.eu/enlargement/archives/pdf/dwn/opinions/estonia/es-op_en.pdf)).

<sup>26</sup> Ibid, p. 106-107

<sup>27</sup> Ibid, p. 116.

<sup>28</sup> Accession partnership 1999, p. 10 ([http://ec.europa.eu/enlargement/archives/pdf/dwn/ap\\_02\\_00/ap\\_est\\_99\\_en.pdf](http://ec.europa.eu/enlargement/archives/pdf/dwn/ap_02_00/ap_est_99_en.pdf)).

<sup>29</sup> Accession partnership 2001, ([http://eur-lex.europa.eu/smartapi/cgi/sga\\_doc?smartapi!celexplus!prod!CELEXnumdoc&lg=en&numdoc=302D0086](http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!CELEXnumdoc&lg=en&numdoc=302D0086)).

<sup>30</sup> Progress Report 1998, p 45 ([http://ec.europa.eu/enlargement/archives/pdf/key\\_documents/1998/estonia\\_en.pdf](http://ec.europa.eu/enlargement/archives/pdf/key_documents/1998/estonia_en.pdf)) and Progress Report 1999, p 68 ([http://ec.europa.eu/enlargement/archives/pdf/key\\_documents/1999/estonia\\_en.pdf](http://ec.europa.eu/enlargement/archives/pdf/key_documents/1999/estonia_en.pdf)).

The Progress Report in 2002 already states: *Implementation of the public administration reform program has continued, and the functioning of the Estonian civil service and its administrative procedures continue to be satisfactory. There remains a need to continue to improve transparency in personnel matters and coordination across different bodies*<sup>31</sup>. Additionally, the report concludes the following: *It (Estonia) is also relatively advanced in having developed adequate administrative capacity to implement the acquis in a considerable number of fields*<sup>32</sup>.

So, we can see a significant change in the conduct of the evaluations and the main issues of under-staffing and low administrative capacity in Estonia seem to have vanished. Now, what steps of the government brought the needed change?

The Estonian Government issued several Action Plans for the accession period<sup>33</sup>. All solutions and measures concerning administrative capacity were summed in separate chapters of the plans. This was also an indication of the importance of these issues for the Government. The set principles included measures like strengthening of the public e-awareness to support wider channels of communication; special training-programs to ensure that the public sector is capable of dealing with EU matters thereby raising the overall capacity and ensuring a sustainable development of the administrative sector; special attention to staff policy, recruiting standards were risen and the international dimension was brought in the decision-making process; process of restructuring financial management was initiated and introducing progress management; setting uniform rules of processing documents in the public sector; just to mention a few. That shows the dimension of changes needed for ensuring the improvement of the administrative sector as stated by EU Progress Reports.

#### *Supreme Court of Estonia and the adoption of “European standards”*

The Supreme Court of Estonia has also discussed the issues concerning the perception of the uniform administrative principles vested into the European Union law. This case<sup>34</sup> was initiated in the light of the interpretation of common norms in dealing with the distribution of structural funds. The Administrative Law Chamber of the Estonian Supreme Court states in the judgement:

*Pursuant to EU legislation regulating structural aid the aid should be awarded in Member States taking into account the general principles of EU law and seeing to it that the effective impact of EU law be preserved also upon implementing national procedural law. The Supreme Court underlined that the EU law recognises the right to sound administration, developed in the case-law of the European Court of Justice, including the right to be heard, which – according to the ECJ – constitutes a general principle of EU law, and referred to the ECJ case-law (see the ECJ judgment of 21 March*

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<sup>31</sup> Progress Report 2002 p 122 ([http://ec.europa.eu/enlargement/archives/pdf/key\\_documents/2002/ee\\_en.pdf](http://ec.europa.eu/enlargement/archives/pdf/key_documents/2002/ee_en.pdf))

<sup>32</sup> Ibid, p. 123

<sup>33</sup> Government Action Plans for 2000, 2001, 2002-2003 (in Estonian) at <http://www.riigikantselei.ee/?id=5167>

<sup>34</sup> Judgement nr. 3-3-1-80-06, available in English <http://www.juradmin.eu/docs/EE01/EE01000011.pdf>

1990, in Case C-142/87: *Belgium v European Commission*, ECR1990, p I-959; ECJ judgment of 21 November 1991, in Case C-269/90: *Technische Universität München v Hauptzollamt München-Mitte*, ECR 1991, p I-05469).

The issues of the principles of good administration in the European Union Charter of Fundamental Rights and their adoption by the Estonian legal system have also been addressed by Nele Parrest in the law journal *Juridica*<sup>35</sup>.

### 3. Conclusion

In conclusion, the Estonian administrative culture has many different facades. Looking at different levels of interaction and the description in the first abstract it can be seen that the administrative system is in constant development. For over fifteen years now policy-makers and administrators are looking for the ideal solution for the occurring problems. But they keep staying the same - lack of cooperation, need for a better interaction with local citizens, constant struggle of state vs. municipalities etc. In the matter of theoretical research of administrative culture issues in Estonia, Tallinn University of Technology is preparing on a large-scale survey and research concerning this topic based on the competing values framework noted above. The survey results offer a first interesting insight into the very heart of Estonian institutional conscience and make it possible to compare it on a larger scale.

The administrative culture of a country is described by its customs and manners, from legal procedures to even the clothing of the public official. The everlasting conflict still persists: either more bureaucracy or more freedom of process?

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<sup>35</sup> Parrest, N. *The Principle Of Good Administration In the European Union Charter Of Fundamental Rights*. *Juridica I* 2006. pp. 24-33 [http://www.juridica.ee/juridica\\_en.php?document=en/articles/2006/1/99579.SUM.php](http://www.juridica.ee/juridica_en.php?document=en/articles/2006/1/99579.SUM.php)