

# Case study on the European Commission's rationales behind geographical representation in the Commission's staff

Thesis

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## Abstract

This study examines the European Commission's rationales behind the representation of EU member states among the Commission's staff. Based on the theoretical framework of a contingency approach to representative bureaucracy by Groeneveld & Van de Walle (2010), geographical representation is studied through the dimensions of power, equal opportunities and diversity management. As such, these distinctive perspectives on representation give insight into the Commission's rationales to explain representation. Due to the absence of an official EU policy on representation, this study follows a qualitative approach to investigate representation through the Commission's staff policies, which broadly incorporates EU documents as the EU staff regulations, the Commission's diversity reports and the Commission's press releases during enlargements. The results show that the contingency approach can be applied on public administrations beyond the nation-state, since all rationales have been identified through the consulted staff policy documents. Moreover, a shift is witnessed during the Kinnock reforms (1999-2004) from explaining representation through rationales of power towards the adoption of rationales of equal opportunities and diversity management in the Commission's staff policies. As such, the staff policies demonstrate that the principle of merit has become the main driver in the staff policies for the Commission to justify geographical representation towards the EU member states.

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# 1 Introduction

Since the creation of the European Coal and Steel Community in 1952, the European project evolved from a small political collaboration between 6 countries, into a grand European Union (EU) of 28 member states. In the past, these EU enlargements were accompanied by significant challenges for the Union, for example, regarding the representation and integration of staff from new member states among the EU institutions. In public administration literature, the representation of EU member states' nationalities within public institutions refers to representative bureaucracy theory. Representative bureaucracy theory is often explained as follows: "when bureaucracies are composed of all groups of society, their policies will result in the best outcome for society" (Meier, 1993, p. 2 in Gravier, 2013, p. 819; Stevens, 2009, p. 134). In other words, when EU staff derives from all member states, the expectation arises that their policies will benefit the common good or in this case, 'the European interest'. In this study, the focus is on the representation of EU member states' nationalities, hereafter referred to as geographical representation or representation. To study geographical representation in the EU, the European Commission (EC) is selected to examine.

During the past decade, scholars have increasingly started to pay attention towards studying representation in international public administrations. However, despite the efforts of Gravier (2008; 2013) and other scholars, our understandings of representation in the Commission remain limited. Gravier (2008, p. 1027) concludes that in general, there is a lack of public administration studies on representative bureaucracy in the EU. Thus, as a multinational institution, the Commission forms a legitimate case to study geographical representation to increase our understandings of representation in international public administrations. In addition, Kassim (2013, p. 1) argues that "although the Commission has attracted considerable scholarly attention, much about its staff and the operation of the organisation is contested or unexplored". The question which subsequently arises, concerns how the Commission shapes their staff policies to achieve a representative bureaucracy? Due to the absence of an official EU policy on representation, EU documents on the Commission's staff are central in this study, hereafter referred to as staff policies or staff policy documents. The selected data constitutes of official EU documents such as EU staff regulations, the Commission's diversity reports and the Commission's press releases during enlargements.

Inspired by Gravier's (2008, p. 1027) statement that "while 28 nationalities collaborate in the EU, the rationales behind representation are relatively unexplored in public administration", this particular study focuses on examining the Commission's rationales behind representation. As such, the aim of this study is to investigate which rationales the Commission has adopted in their staff policies to justify

geographical representation. Furthermore, the objective of this study is to contribute to the public administration literature by studying representation on the EU level. In a broader context, it incorporates contemporary challenges of public administrations as representative bureaucracy and diversity management. Practical contributions of this study relate to the increase of knowledge on the Commission's perspective on geographical representation, for example regarding the impact of the different rationales during the recruitment and promotion procedures of the Commission. As such, this in-depth case study of the Commission concerning representation gives insight into the challenge of international organisations to achieve a representative bureaucracy. The main research question is therefore formulated as follows: Which rationales has the European Commission adopted to justify geographical representation in the staff policies? In addition to the research question, the question remains how the Commission's rationales behind representation have changed within the staff policy documents, affected by developments in the socio-demographic and political context in which the Commission operates. Thus, the research approach is twofold. First, the focus is on identifying the rationales of representation independently and second, these results will collectively show whether there is a similar trend in the Commission's staff policies on representation as presented in the selected theoretical framework.

To study geographical representation, this study's theoretical framework concerns a contingency approach to representative bureaucracy by Groeneveld & Van de Walle (2010). In this study, representation is examined through the dimensions of power, equal opportunities and diversity management. In the past, bureaucracies in nation-states have shifted from using rationales of power to explain representation, towards equal opportunities and more recently towards the adoption of diversity management rationales. Since former studies on representation in the Commission have primarily paid attention to equal opportunities, this study takes a distinctive focus through the inclusion of a more contemporary challenge of representation, diversity management. Groeneveld & Van de Walle (2010, p. 247) argue that in public administration literature, "the focus now shifts from providing equal opportunities and representing disadvantages groups to managing diversity in organisations". Since the contingency approach is designed for nation-states, this study contributes to the public administration literature by applying the theoretical framework on a new institutional level. In other words, this study will benefit the public administration literature regarding our understandings of representation in international public administrations. Furthermore, the contingency approach is studied from the beginning of the Union in 1952 up until 2017. The selected period allows for the application of the contingency approach, since the theory is designed to show a trend in public administrations over a longer period. Rationales behind representation can change over time in public

administrations due to socio-demographic changes in society. Thus, it is worthwhile to explain whether a similar trend is witnessed in the Commission as presented in the contingency approach.

Indeed, the results show that the contingency approach can be applied on an international bureaucracy as the Commission, since all rationales behind representation have been identified in the staff policy documents. While the Commission is relatively young and a different institution in comparison to nation-states, a similar trend between the dimensions has been witnessed in the Commission to explain representation. However, while it can be argued that the contingency approach has the same explanatory power to study representation in the Commission, two significant differences are witnessed. First, the shift from rationales of power to equal opportunities happens later than described in the theory, instead of the 1970s, this shift is visible during the 1990s. Affected by pressures from member states' governments to reform the Commission's staff policies, this shift happens in response to the resignation of the Santer Commission (1995-1999), which was accused of nepotism. In addition, since the increase of diversity management rationales is also visible during the 1990s, which is in line with the contingency approach, there is no distinctive shift from equal opportunities to diversity management rationales witnessed in the staff policies. Therefore, the Kinnock reforms (1999-2004) demonstrate a shift from power to both equal opportunities and diversity management rationales, which shows that these rationales are rather intermingled since both are used by the Commission to explain geographical representation in the Commission's staff.

In addition to the introduction, this study is structured as follows. First, the theoretical framework provides insight into representative bureaucracy literature and the contingency approach theory in specific, which is followed by a literature review of former studies on representation in the Commission. Second, the research design is explained through a discussion of the data and methodology. Third, the analysis will elaborate on the results. Fourth, the conclusion focuses on the main findings, implications and limitations of this study. Finally, a list of references completes this study.

## 2 Theoretical framework

Public administrations in nation-states are challenged by society to create a civil service which is considered a representative bureaucracy. However, the definition of representation varies significantly, depending on the context in which these bureaucracies operate. The concept of representative bureaucracy has originally been introduced by Kingsley (1944). In contrast to Weber's bureaucratic theory in which civil servants are supposed to be neutral and public administrations must rely on rational decision-making techniques, Kingsley argues that civil servants cannot be regarded as neutral while implementing political decisions to create policy (Gravier, 2013, p. 819). Thus, Kingsley argues that civil servants in public administrations act in accordance with their social class. In addition, Kingsley demonstrates that by having a bureaucracy which is representative of the dominant group in society, the legitimacy of the bureaucracy could be explained accordingly (Gravier, 2013, p. 819). In the past decades, Kingsley's perspective on representation has extensively been questioned by other scholars, such as Meier (1993). According to Meier (1993, p. 2 in Gravier, 2013, p. 819), representative bureaucracy theory concerns "a bureaucracy recruited from all segments will produce policies that are democratic in the sense that they are generally responsive to the desires of the public". Thus, a civil service which is composed of all groups of society will result in democratic decision-making procedures. As a result, representative bureaucracies will produce 'the best results or policies' for society (Stevens, 2009, p. 134). These different perspectives on representation are exemplary of developments in representative bureaucracy theory regarding the definition of representation. As such, scholars have identified many additional concepts, such as passive and active representation, to explain the concept of representative bureaucracy. In sum, Meier's (1993 in Gravier, 2013, p. 819) definition is generally considered as how representation is nowadays regarded. Thus, by making a bureaucracy representative, the bureaucracy obtains legitimacy by ensuring that all interests are represented during the policy cycle (Selden, 1997 in Kennedy, 2014, p. 396). The legitimacy argument in representative bureaucracy literature relates to "the extent to which individuals legitimately represent, or can successfully claim to represent, some group or larger set of social interests" (Saward, 2005; 2010; 2014 in Murdoch, Connolly & Kassim, 2018, p. 391). This statement shows that when policy preferences of those who are represented are similar to the policy outputs of civil servants, legitimacy is successfully achieved by the bureaucracy (Murdoch et al., 2018, p. 393).

In representative bureaucracy literature, one of the main questions concerns who is representative of whom? According to Groeneveld & Van de Walle (2010, p. 252), "the main association with the concept representative bureaucracy entails a bureaucracy that mirrors the country's population in general". However, representation could also refer to the ruling elite or another specific group in

society, such as elderly or poor citizens (Groeneveld & Van de Walle, 2010, p. 252). In representative bureaucracy literature, representation generally entails “socially and politically meaningful groups”, however, this definition frequently and rapidly changes due to pressures that affect the bureaucracy significantly (Greene et al., 2001, p. 379 in Groeneveld & Van de Walle, p. 252). In the past, the concept of representative bureaucracy has evolved in public administration studies of nation-states. In response, an example of such a study concerns a contingency approach to representative bureaucracy. This theoretical framework by Groeneveld & Van de Walle (2010) presents three dimensions on representation (also referred to as perspectives in this study) to show how representation can be explained by public administrations in response to political and socio-demographic changes in society. Moreover, this chapter continues with a discussion of the contingency approach, followed by a literature review of former studies on representation in the Commission. Finally, a discussion of the expectations of this study completes this chapter.

## 2.1 Contingency approach

In 2010, Groeneveld & Van de Walle published a study in which they presented a contingency approach to representative bureaucracy. The contingency approach focuses on “changes in the use of the concept ‘representative bureaucracy’ by looking at the context in which the public administration operates” (Groeneveld & Van de Walle, 2010, p. 240). As such, “the emergence and success of the dimensions largely depends on social and political circumstances” (Groeneveld & Van de Walle, 2010, p. 240). The scholars argue that the concept of representative bureaucracy is multidimensional and changing, which has resulted so far in three dimensions on representation, namely power, equal opportunities and diversity management (Groeneveld & Van de Walle, 2010, p. 239). Each dimension demonstrates a distinctive perspective on representation in public administrations, however, “even though these dimensions are not mutually exclusive and share characteristics, yet they demonstrate major changes in thinking about representative bureaucracy” (Groeneveld & Van de Walle, 2010, p. 240). Therefore, due to their distinctive perspectives on representation, it is possible to empirically study these dimensions individually. In sum, this theoretical framework shows that by studying the context in which public administrations operate, changing perspectives on representation are identified, which explains why the concept of representation differs and evolves in bureaucracies. Additionally, the strength of the contingency approach is to determine whether there is a trend between the three dimensions in public administrations, which will be further explained in the following discussion of the dimensions.



### 2.1.1 Dimension 1: Power

The first dimension of the contingency approach concerns power in bureaucracies, which refers to the 'representation of the ruling class' (Groeneveld & Van de Walle, 2010, p. 241). Therefore, this dimension is in line with Kingsley's (1944) view of representative bureaucracies. The motivation behind this dimension is that the representation of new and emerging ruling classes in society can result in harmonious societies (Groeneveld & Van de Walle, 2010, p. 241). As such, the bureaucracy can only be effective when the dominant class is represented (Groeneveld & Van de Walle, 2010, p. 241). Furthermore, representation of the dominant or powerful group in society is used to explain "abrupt short-term changes in the composition of public administrations, especially at the highest level" (Groeneveld & Van de Walle, 2010, p. 244). If an emerging group obtains significant power through, for example, winning elections, their political influence at the highest level will subsequently increase, which changes the power balance in the bureaucracy. In contrast, "newer models of representative bureaucracy are based on gradual change" (Groeneveld & Van de Walle, 2010, p. 244). Furthermore, Groeneveld & van de Walle (2010, p. 244) argue that this dimension on the representation of dominant groups of society is a relatively different perspective than how representation is nowadays considered, which is further explained in the following dimensions.

In sum, this dimension demonstrates that the political power in public administrations strives to maintain their power by being representative of the dominant class in society. To create stability in the bureaucracy, the dominant group must control the administration, either through aligning interests with new or emerging ruling classes or through the exclusion of rival powers (Groeneveld & Van de Walle, 2010, p. 242). In terms of aligning interests with new or emerging ruling classes, their loyalty to the administration is key to create stability among the bureaucracy, since a power battle between rival powers can negatively impact the harmony among the administration (Groeneveld & Van de Walle, 2010, p. 242). The loyalty of new and emerging ruling classes is key to create stability among the administration, of which Groeneveld & Van de Walle (2010, p. 242) explain that in the past, the loyalty of new dominant groups was controlled for by giving significant staff positions to this group to increase their loyalty to the administration. In contrast, "non-powerful segments of the population are not regarded as potential challengers of the dominant group and do not need to be controlled" (Groeneveld & Van de Walle, 2010, p. 242). While the scholars admit that this dimension is more of an ancient perspective on representation, the power dimension can be witnessed "when the political-administrative system responds to underrepresented groups that become more vocal and organised" (Groeneveld & Van de Walle, 2010, p. 242). The ruling class responds by either aligning interests or by excluding them from obtaining any form of power in the administration.

### 2.1.2 Dimension 2: Equal opportunities

The second dimension of the contingency approach entails equal opportunities. The shift in public administrations in which “bureaucracies had to be ‘representative of the population’, rather than just of a dominant section of the population” is central in this dimension (Groeneveld & Van de Walle, 2010, p. 244). The motivation behind this dimension is based upon moral reasonings, since the concept of equal opportunities entails that a bureaucracy must be responsive to the society in the same proportion as their share in the population (Groeneveld & Van de Walle, 2010, p. 244). In sum, this dimension focuses on equal representation of society among the public administration, in which the access of disadvantaged groups into the administration is an important characteristic (Groeneveld & Van de Walle, 2010, p. 246). In contrast to the first dimension of power, each ‘group’ or each citizen must have equal access to the public administration, for example regarding recruitment procedures. In response, Stevens (2009, p. 133) explains that “proponents of balanced representation argue that the presence of representativeness of various groups is desirable within democratic institutions, because it will improve the quality of deliberation”. Thus, “the more desirable social outcomes will result from institutions that demographically represent their societies” (Stevens, 2009, p. 134).

In line with these explanations of equal opportunities, Mosher (1982) makes a distinction between active and passive representation. In active representation, “individuals or administrators are expected to press for the interests and desires of those whom they are presumed to represent” (Mosher, 1982, p. 15 in Gravier, 2008, p. 1028). Thus, civil servants actively strive for the interests of their group. In contrast, passive representation entails “the origin of individuals and the degree to which they collectively mirror the whole society” (Mosher, 1982, p. 15 in Gravier, 2008, p. 1028). Scholars agree that passive representation is desirable for public institutions, because “even if passive representativeness is no guarantor of democratic decision-making, it carries some independent and symbolic values that are significant for a democratic society” (Lim, 2006 in Gravier, 2013, p. 820). In passive representation, an equal or fair distribution of staff positions, based on the composition of society, is regarded as a legitimacy enhancer towards society. In other words, Gravier (2013, p. 820) argues that “the reason passive representativeness can be politically important is that it is an instrument of collective identity and thereby, of legitimacy”. However, Murdoch, Trondal & Geys (2016, p. 338) argue that ‘perfect’ passive representation in terms of the socio-demographic composition of society should never be the primary goal of bureaucracies, because civil servants cannot ‘fully’ represent the society, for example, since civil servants are required to have a certain level of education to achieve an administrative position. Moreover, Murdoch et al. (2016, p. 338) argue that the focus in passive representation should be on ‘the common good’, which focuses on the general interests of society. However, the focus on the common good contrasts with the idea of active

representation, in which representation happens when civil servants actively strive for the interests of their group. Therefore, based on this tension between active and passive representation, it is interesting to investigate how the Commission explains passive and active representation within their staff policies.

In conclusion, both active and passive representation demonstrate how the dimension of equal opportunities can be interpreted, of which passive representation is key in this study. Since the rise of the equal opportunities perspective of representation has resulted in more diverse bureaucracies, a new challenge unfolded for public administrations, which is discussed in the third dimension of the contingency approach.

### 2.1.3 Dimension 3: Diversity management

Due to developments in society, the perspective of diversity management has appeared in representative bureaucracy literature. According to Groeneveld & Van de Walle (2010, p. 247), “the diversity management approach to representative bureaucracy continues in the tradition of earlier approaches, but adds a strong focus on organisational performance”. For example, globalisation has resulted in changes in the staff composition of international bureaucracies, for example regarding an increase of nationality diversity among the staff. Subsequently, the management of a more diverse staff challenges organisations to deliver staff policies that are beneficial to the organisational performance. According to Ng & Sears (2015, p. 367), “to deliver a representative and effective democratic governance, individuals must be employed from diverse backgrounds throughout the bureaucracy”. As such, Groeneveld & Van de Walle (2010, p. 247) argue that in public administrations, “the focus now shifts from providing equal opportunities and representing disadvantaged groups to managing diversity in organisations”. Public administrations have accepted that diversity among their staff is a positive development and therefore, attention in representative bureaucracy literature has shifted towards the implementation of diversity policies to achieve an effective representative bureaucracy. While the dimension of equal opportunities is directed at ‘equal and fair argumentations’, in diversity management, ‘effectiveness argumentations’ are central (Groeneveld & Van de Walle, 2010, p. 249). The main difference is that the former is dependent upon legitimacy and moral principles to explain representation, while the latter shows that “policies are internally and economically driven instead of imposed externally by moral claims” (Groeneveld & Van de Walle, 2010, p. 249). Thus, how public administrations respond to changes in society, significantly impacts how staff policies explain representation. For example, a preference for diversity management could result in a highly different recruitment procedure than when public administrations favour the perspective of

equal opportunities to achieve a representative bureaucracy. In the analysis, these distinctive outlooks on representation are further explained to show their impact on representation in the Commission's staff policies.

In sum, in diversity management literature, managing a diverse staff to increase the organisational performance is central. In the past decades, New Public Management (NPM), which takes its inspiration from the management of private organisations, has inspired public administrations to improve their organisations internally to become more effective and competitive (Groeneveld & Van de Walle, 2010, p. 248). Literature from the private sector on diversity management shows that a diverse or heterogeneous staff performs better than a homogenous staff, since individuals from different (cultural) backgrounds are likely to have different solutions, based on their understandings, values or approaches (Ewoh, 2013, p. 107). In other words, the competitive advantage of multinational teams is that "they engage in in-depth discussions, considerations of various alternatives and generation of new ideas" (Hambrick et al., 1998 in Nielsen & Nielsen, 2013, p. 375). As a result, teams with high nationality diversity perform better (Nielsen & Nielsen, 2013, p. 375). Furthermore, Luring (2013, p. 211) argues that "diversity management to some extent replaced the equal opportunity movement by introducing business reasons as a substitute for moral diversity arguments" (Noon, 2007; Tatli, 2010; Wrench, 2005). Therefore, international organisations nowadays frequently combine rationales of both equal opportunities and diversity management in their mission statements, by declaring that "the best employees available will be hired to represent the global character of the business' clientele" (Luring, 2013, p. 214). This example shows that the private sector aims to represent their global character, which concerns the equality principle behind passive representation, while they also aim to recruit the best employees available, which relates to the effectiveness rationale of diversity management.

Furthermore, Shen, Chanda, D'Netto & Monga (2009, p. 235) argue that there is limited literature that shows how diversity management can increase the organisational performance. Shen et al. (2009, p. 236) conclude that since "most organisations consider diversity as an issue of compliance with legal requirements and recruiting ethnic minorities, there is a great need for improved HR diversity strategies focusing on appreciating and making use of diversity". Best practices of diversity management are currently lacking for private and public organisations. Furthermore, it can be argued that the diversity management dimension incorporates both the descriptive part, as identified in the strategy documents of organisations, and the organisational culture, to explain the impact of HR management on the organisational performance. Based on the objectives of this study, only the descriptive part of diversity management is studied through the staff policy documents.

In conclusion, Groeneveld & Van de Walle (2010, p. 251) argue that “diversity management presents itself as an a-moral and a-political approach to representative bureaucracy”. As such, the diversity management dimension cannot “guarantee equity, fairness and representativeness in public organisations”. Subsequently, Groeneveld & Van de Walle (2010, p. 251) conclude that diversity management is therefore a fundamentally different perspective of representation in comparison to equal opportunities.

#### 2.1.4 Trend between the contingency approach dimensions

In the contingency approach, Groeneveld & Van de Walle (2010) discuss the trend between the three dimensions regarding public administrations in nation-states. In the past, a shift has been witnessed from explaining representation through rationales of power towards equal opportunities and more recently, towards diversity management. These shifts derive from developments in society which impact public administrations and consequently, affect the administration’s perspective on representation. In other words, depending on the context in which the bureaucracy operates, representation could be explained differently. Thus, the three dimensions of the contingency approach are selected to investigate representation in the Commission.

In the past, “around the late 1960s and the 1970s, social and political changes in the US challenged traditional patterns of public administration”. In response to the Vietnam War, society pressured the US government to change the role of the bureaucracy, which resulted in an increasing demand for more influence for citizens on the administration (Groeneveld & Van de Walle, 2010, p. 245). In response to these pressures from society, the New Public Administration (NPA) movement in the 1970s demonstrates a shift towards a role for civil servants to actively work for society, especially for those groups who are considered poor or disadvantaged (Groeneveld & Van de Walle, 2010, p. 245). In other words, the emphasis of the NPA movement on the active role of civil servants shows that the actions of civil servants could not be considered neutral (Groeneveld & Van de Walle, 2010, p. 245). As a result, the discussion on active representation of civil servants has become a well-known debate in representative bureaucracy literature. Furthermore, in the 1990s, the concept of diversity has been introduced in representative bureaucracy studies (Coleman, Selden & Selden, 2001; Pitts, 2005 in Groeneveld & Van de Walle, 2010, p. 247). During this period, “a shift is witnessed from providing equal opportunities and representing disadvantaged groups to managing diversity” (Groeneveld & Van de Walle, 2010, p. 247). This shift derives from administrative and socio-demographic developments in Western countries, such as globalisation (Groeneveld & Van de Walle, 2010, p. 247). For example, the New Public Management (NPM) style has emerged in the 1990s, during which administrative

reforms focused on the implementation of private sector techniques to increase the effectiveness and competitiveness of public administrations (Groeneveld & Van de Walle, 2010, p. 247-248). These reforms were directed to increase the competitiveness and efficiency of public administrations by using the private sector as an example to change the management style of the bureaucracy.

In addition, Kassim (2013, p. 5) argues that in order to survive, organisations must be adaptive to both internal and external pressures. Moreover, the efforts to achieve a representative bureaucracy is often not considered a gradual process. For example, in the power dimension, the rise of new dominant groups can result in immediate changes in the composition of the bureaucracy (Groeneveld & Van de Walle, 2010, p. 244). As such, the scholars explain that “whereas gradual change is at the core of newer models of representative bureaucracy, the ‘representative bureaucracy as power’ approach allows us to explain abrupt short-term changes in the composition of public administrations, especially at the highest level” (Groeneveld & Van de Walle, 2010, p. 244). Therefore, the shift from power to equal opportunities could result in more of an immediate change of the staff composition than the shift from equal opportunities to diversity management, which could be considered as a more gradual process in this study. Thus, it is worthwhile to study whether these shifts happen immediately or gradually in the Commission.

In conclusion, Groeneveld & Van de Walle (2010) demonstrate through the example of the US government that a shift is witnessed in representative bureaucracy literature from rationales of power towards equal opportunities during the 1970s. In addition, the shift from rationales of equal opportunities towards diversity management is noticeable during the 1990s. Even though the Commission is a relatively young bureaucracy in comparison to nation-states, political and socio-demographic developments in society could explain a similar trend in the Commission to explain representation. In other words, it is expected that the Commission is affected by the same pressures as nation-states, which consequently impacts how representation is addressed by the institution. Prior to a discussion of the expectations of this study, a literature review of representation in the Commission will give insight into former studies of representative bureaucracy on the EU level.

## 2.2 Literature review: Representation in the European Commission

In the past, scholarly attention has been primarily given to representation in nation-states. As such, Gravier (2013, p. 818) argues that “although the theory of representative bureaucracy is somewhat old in public administration studies, it is still in an early phase in EU studies”. In the past decade, scholars as Gravier (2008; 2013), Kassim (2008; 2013), Peterson (2008), Stevens (2009) and

Christensen, Van den Bekerom & Van der Voet (2017) have started to study geographical representation in the Commission. In sum, their results show that representative bureaucracy literature on the EU level benefits from increased attention, since our understandings of representation in the Commission remain limited. The following literature review gives insight into their findings on representation in the Commission.

Representation in the EU can be defined in multiple ways. Stevens (2009, p. 127) identifies three cross-cutting patterns of representation in the Commission, which entail political representation, representation of national origins or interests and representation of various social groups, such as ethnic minorities or women. In this study, representation regarding the national origin is central. In the EU literature, the concept of geographical balance is used to address nationality diversity among the staff, while this study refers to geographical representation or representation to discuss the staff composition concerning the national origin. Moreover, the focus on the European Commission derives from former studies on representation in the EU, since this institution “is the EU’s largest administration and main policy manager” (Peterson, 2006, p. 80-2, in Peterson, 2008, p. 763). Furthermore, “data regarding staff policy is more easily accessible in comparison to other EU institutions” (Gravier, 2013, p. 823).

Prior to studying the Commission’s staff policies, it is worthwhile to define the Commission’s staff. The Commission’s staff can be divided into two main groups. On the one hand, the political leaders, which entails the Commissioners and their personal cabinets. On the other hand, a large staff of around 23,000 officials with a more permanent character and around 7000 temporary officials (Knill & Balint, 2008, p. 671). Regarding the Commissioners, each EU member state is responsible to deliver one Commissioner to manage an EU policy area, which shows that in terms of representation, a nationality diverse ‘management’ of the institution is apparent among the Commissioners. Therefore, it is interesting to explore how the EU considers the representation among the permanent staff. Since in public administrations “representation in the non-elected staff is regarded as equally important as political representation” (Hood & Lodge, 2006, p. 34 in Christensen, Van den Bekerom & Van der Voet, 2017, p. 452-453), the permanent staff of the Commission is selected to examine.

In the past decade, Gravier (2008; 2013) is considered the most significant scholar who has attempted to link representative bureaucracy theory with nationality in the Commission’s staff. In 2008, Gravier’s study has shown that the 2004 EU enlargement staff policies were deliberately designed to ensure passive representation of the new EU member states among the Commission’s staff (p. 1044). In 2013, Gravier’s study of the EU staff regulations was directed at explaining to what extent nationality was

addressed within these regulations (p. 817). As a result, Gravier (2013, p. 817) argues that the staff regulations have evolved “from limited practice of representation to a more complex and explicit, but flexible strategy of representation”. In addition, the staff policies emphasise on passive representation, since active representation in the EU remains forbidden (Gravier, 2013, p. 817). Gravier’s studies are exemplary of the increase of academic studies on passive representation in the past decade, since scholars have primarily focused on studying active representation roughly up until the year 2000 (Gravier, 2013, p. 821).

In sum, due to the intergovernmental character of the EU, the debate on both active and passive representation remains challenging for EU institutions, since the Commission’s staff cannot make decisions which explicitly favours their nationality and country of origin (Ellinas & Suleiman, 2012 in Ban, 2013, p. 155). As such, Stevens (2009, p. 136) concludes that “while the representation of nationality is explicitly recognised and supported, its outworkings are informal, veiled and often actually denied”. Thus, while geographical representation in the Commission has received attention from the academic community in the past decade, passive representation in the Commission continues to benefit from increased attention. With her studies on nationality in the Commission, Gravier (2008; 2013, p. 818) aims to ‘pave the way’ for future studies on representation in the Commission, of which this study is a result.

## 2.3 Expectations

The collaboration of 28 EU member states is considered a significant challenge for the Commission regarding the moral and democratic argumentations to represent all nationalities while also ensuring the performance of the Commission’s staff. Since a representative bureaucracy should successfully present outputs that are in the best interest of all member states, the staff policies provide a framework for the Commission to legitimise the nationality diversity of their staff towards the member states. Based on the selected theoretical framework, the contingency approach, a trend between the dimensions is expected to be witnessed within the Commission’s staff policy documents. As such, two main expectations are formulated to discuss the expectations of this study.

To test the contingency approach on the Commission, the same timeline as presented in the theory is used to design the following expectations. As such, it is expected that the Commission is affected by the same socio-demographic changes as nation-states. The following expectations complement each other, since the trend among these rationales should confirm that the contingency approach can be applied on the Commission. Additionally, since the theory demonstrates that the shift from rationales



of power to equal opportunities could result in a more immediate change than the gradual shift from rationales of equal opportunities to diversity management, it is interesting to examine whether this also happens in the Commission and additionally, whether a significant event has contributed to an immediate shift. The first expectation is based on the shift from power to equal opportunities. Due to the rise of citizens' demands to gain more influence within public administrations, a shift is witnessed in nation-states during the 1970s. Therefore, the first expectation is formulated as follows: *The shift from rationales of power to equal opportunities is witnessed in the Commission's staff policies from the 1970s.* Furthermore, the shift towards an increase of diversity management rationales to explain representation is expected to appear within the staff policies around the 1990s. During this period, the NPM movement influenced public administrations to increase their effectiveness, which could explain the shift from equal opportunities to diversity management rationales. Therefore, the second expectation is formulated as follows: *The shift from rationales of equal opportunities to diversity management is witnessed in the Commission's staff policies from the 1990s.* In addition, it is expected that this trend continues to lead to an increase of diversity management rationales in the past decade. As such, diversity management rationales are expected to be considered the main dimension nowadays to explain the Commission's perspective on representation.

In sum, these expectations have shown how the trend between the dimensions can be examined, in which developments in society could be used to explain how the Commission changes their perspective on geographical representation. Prior to the analysis, the data and methodology of this study are discussed in the research design chapter.

### 3 Research design

In this chapter, the data and methodology of this study are central. First, the research approach focuses on the decision to apply a qualitative research design. In addition, content analysis is discussed to give insight into the analysis. Second, the data collection process demonstrates which sources have been used to retrieve empirical data. Third, the sample selection focuses on the explanation of the selected data. Fourth, a discussion of the conceptualisation and operationalisation of this study's main variables gives insight into the measurability of these variables. Finally, a discussion of the reliability and validity of this research completes this chapter.

#### 3.1 Qualitative research approach

Based on the objective of this study to identify the Commission's rationales behind representation in the staff policies, a qualitative, explanatory research approach is considered suitable. The strength of a qualitative research lies within the study of few cases, the interaction between the cases and the context of the cases (Neuman, 2014, p. 17). Additionally, an explanatory approach fits within this study, since the purpose of explanatory research is "to explain why events occur and to build, elaborate, extend, or test theory" (Neuman, 2014, p. 40). In other words, the goal of explanatory research is to determine "how well the explanation holds up or whether it needs modification or whether it is limited to certain conditions" (Neuman, 2014, p. 40). In this study, the theoretical framework of the contingency approach concerns the existing theory which is tested on a new case, the European Commission. Therefore, testing an existing theory on a new case results in explaining to what extent the theoretical framework can be applied on a new institutional level.

Furthermore, due to the focus on the Commission's staff policies, this study is considered a single-case study. The strength of a single-case study entails an in-depth study of a single unit through examining "multiple pieces of evidence" (Toshkov, 2016, p. 285). In addition, "single-case studies rely on existing knowledge to provide the causal links between the individual events from which the case explanations are built" (Toshkov, 2016, p. 297). In other words, through the investigation of staff policy documents, the aim is to find causal links to identify the Commission's (changing) perspective on geographical representation. Thus, a qualitative single-case study of the Commission's rationales behind representation gives insight into the challenge of international administrations to achieve a representative bureaucracy.

Moreover, to apply the contingency approach on the Commission, this study is not limited to a set period or event. Any document on the Commission's staff increases the possibility to test the

dimensions of the contingency approach, since the contingency approach is based on a trend over a longer period. However, during the sample selection, it became apparent that staff policy documents on the Commission's staff are relatively scarce, especially concerning data before the year 2000. An increase of data after 2000 can be explained through two key events that have increased the data availability, which concern the Kinnock reforms (1999-2004) and the 2004 EU enlargement. Gravier (2013, p. 823) states that "until the 2004 enlargement, the Commission's practices were not very transparent". However, Gravier (2013, p. 824) also argues that for various (political) reasons, the Commission remains reluctant to be transparent about their policies concerning nationality. Furthermore, Gravier (2013, p. 828) states that "the ESP's (enlargement staff policies) of 2004 are a clear turning point regarding rationales of the Commission to ensure bureaucratic representativeness", which arguably legitimises the emphasis on the period after 2000 in the analysis. In other words, while the analysis focuses on the period between 1952-2017, the available data and developments in the socio-demographic and political context of the Commission affect how elaborately the dimensions are studied and which period receives greater attention.

### 3.1.1 Content analysis

In this qualitative single-case study, the selected data collection technique concerns content analysis. In content analysis, the examination of the content and symbols in written documents is central (Neuman, 2014, p. 49). Neuman (2014, p. 373) argues that "in content analysis, you operationalise constructs with a coding system, which is a set of instructions or rules describing how to observe and record content from text". In other words, a coding system transfers the data systematically from the documents to measurable outputs for the analysis (Neuman, 2014, p. 374). In a coding system, there is a difference between manifest and latent coding (Neuman, 2014, p. 374). First, manifest coding concerns visible words or the surface of documents, in which "a researcher first develops a list of words, phrases, or symbols and then locates them in a communication medium" (Neuman, 2014, p. 374). In this study, key words have been identified for each dimension, "which is highly reliable, because the phrase or word is either there or not there" (Neuman, 2014, p. 374). In the operationalisation of the dependent variable, an overview of these key words is given per dimension. In addition, Neuman (2014, p. 374) argues that "latent coding can exceed manifest coding because we communicate meaning in many implicit ways that depend on context, not just specific words". Therefore, during the sample selection, latent coding is also applied, since additional data can be retrieved by examining the content beyond the key words. During the sample selection, each document is analysed by applying the key words of the dimensions. When the key words (manifest coding) or small variations (latent coding) appear in the document, the content is marked in a particular

colour that refers to one of the dimensions. Consequently, it becomes easily noticeable which content is useful to which dimension, in order to analyse the data per dimension. By giving key words and small variations a particular colour, the objectivity and transparency of the sample selection increases.

### 3.2 Data collection

In addition to the research approach, the data collection process is a key element of research designs. In qualitative research, the data collection is regarded as a delicate process, since the search process strongly affects the sample selection. In the EU, significant (legal) documents are publicly accessible, for example regarding the EU staff regulations. However, since data on the staff of (international) administrations is also protected for political and/or privacy reasons, in general, the available data on the Commission's staff remains limited. To ensure the use of official EU documents, the data collection happens solely through official EU websites. The Commission explains on their website which sources can be used to retrieve official EU documents. In Figure 1, an overview is given of the Commission's recommendations.

Figure 1. Overview data collection sources (European Commission, 2018)

Source	Content
EPSO (European Personnel Selection Office)	Data on recruitment procedures
EU Open Data Portal	General database for EU documents
European Commission	Data on Human Resources in the EC
European Commission	General information on the EC staff
European Commission	Official EC press releases
The EU law database EUR-lex	EU staff regulations

### 3.3 Sample selection

The data collection shows which sources are used to retrieve empirical data from. Consequently, since the search process has resulted in many potential documents, it is key to determine the appropriate sample. A sample is "a small set of cases a researcher selects from a large pool" (Neuman, 2014, p. 246). While there are many EU documents available, it is required to examine each document individually to decide whether the content is relevant. However, since staff regulations are modified frequently, the content and/or objective of the document could be relatively similar to former versions. As such, the original and most recent version are analysed to identify to what extent the content has been modified by the Commission. When the content of both versions is relatively similar, modified versions in between are not additionally studied.

Based on key concepts of the theoretical framework, the data collection happens through the following search words: *Representation*, *representation + staff*, *diversity + staff*, *nationality + diversity*, *diversity + management* and *performance + staff*. In Figure 2, an overview of the EU sources is given to show where the empirical data is retrieved from. Any data that appeared in multiple searches is excluded from a second mention in Figure 2. At first, the search words have been put into the search function on the websites, of which the column ‘total results’ presents the outcome. These results are used for the first selection, in which the title and description of the documents have been analysed to decide to what extent the document fits within this study. Thus, the column ‘first selection’ shows which documents have been selected based on their title and content description or abstract. Subsequently, these documents have been fully examined and the content has been coded in a particular colour if the document was considered suitable. The results of this selection are visible in the column ‘second selection’. Thus, this column presents the final sample selection of this study, which demonstrates that in total, 24 documents form the sample selection.

Figure 2. Overview EU sources

Source	Search word(s)	Total results	First selection	Second selection
EC	Staff*	n/a	13	4
EC press release database	Staff + representation	251	21	11
EC press release database	Nationality + diversity	91	6	0
EC press release database	Staff + EPSO	59	9	3
EC press release database	Nationality + staff	150	13	4
EUR-lex	Regulation No 31 (EEC)**	17	2	2

\* Documents were retrieved from the EC website through the following search: *Homepage → Policies, information and services → About the EC → Organisational structure → Staff*

\*\* Search term: *REGULATION No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community*

To find the staff regulations on the EUR-lex website, the search term ‘staff regulations’ was too broad and therefore, the full document title has been used to retrieve the targeted staff regulations. The original and most recent publication were both selected to examine, since the latter includes all modifications that have been made to the original regulation, which means that any versions in between are excluded for the sample. Moreover, the sample selection reveals that the final number of appropriate documents entails 24, of which the majority concerns press releases. During the sample selection, it has become apparent that documents with the search word ‘nationality’ primarily discuss

EU enlargements, while documents with the search word 'representation' often focus on gender, such as the distribution of staff positions between men/women. Therefore, it is key to determine the appropriate sample, since these types of documents do not address geographical representation directly. In addition, the data collection shows that in the EU literature, the Commission uses the concept of geographical balance to address geographical representation. However, an additional search with this search term did not lead to additional data. In sum, it is remarkable that the majority of the sample concerns press releases, instead of extensive reports or policy outputs on the Commission's staff. However, during the analysis, press releases demonstrated significant insight into the Commission's rationales behind representation, for example, when Commissioners announce progress during the decision-making process of staff policies, instead of presenting the policy itself. Furthermore, these press releases include statements of influential Commissioners as Prodi and Kinnock, whose statements are beneficial to explain policy decisions of the Commission regarding representation.

### 3.4 Conceptualisation and operationalisation

In addition to the data collection and sample selection, the conceptualisation and operationalisation of the main variables is a key element of research designs. Conceptualisation refers to giving a definition to the main variables, while operationalisation explains how the variables are measured. In this study, the independent variable concerns progress of time, based on the trend or timeline presented in the contingency approach. In addition, the dependent variable refers to the rationales of representation, namely power, equal opportunities and diversity management. Both variables are discussed to explain their definitions and measurability.

#### 3.4.1 Dependent variable: Rationales of representation

The dependent variable of this study entails rationales of representation. A rationale in this study can be described as reasons or thoughts that result in a significant perspective on representation. Following the Cambridge Dictionary (2018) a rationale is defined as: *The reasons or intentions that cause a particular set of beliefs or actions.*

Furthermore, the dependent variable is measured through the technique of content analysis, in which key words are central to determine which content belongs to which dimension. For example, in terms of the power dimension, key words as political power and subjective negotiations are exemplary to find appropriate data. For equal opportunities, quotas or targeted recruitment policies are products of this dimension and regarding diversity management, diversity trainings or performance measures

are practices that can explain representation (Groeneveld & Van de Walle, 2010, p. 254). As previously discussed in the coding system, each document in the sample selection is studied to link the content to one of the three dimensions through the selected key words. These key words or small variations are based upon concepts that are mentioned in the theoretical framework and thus relate to a particular dimension of representation. An overview of these key words for each dimension is given in Figure 3, 4 and 5.

Figure 3. Key words: Power

Disadvantage	Majority	Power
Dominant	Negotiations	
Inferior	Political power	
Integration	Political	
Loyalty	Politics	

In the dimension of power, key words concerning politics or dominant groups is expected to result in data which relates to this dimension. For example, when the Commission discusses a lack of transparency on representation due to subjective negotiations between member states in the past. In addition, the theory shows that key words as loyalty and integration could be used to explain representation regarding the relation between the existing and new member states, since enlargements have a significant impact on the Commission's staff. Another example of this dimension concerns political arrangements between Commissioners or member states to explain representation.

Figure 4. Key words: Equal opportunities

All EU nationalities	Equal opportunities	Legitimacy
Appropriate	Equal treatment	Moral
Balance	Equality	Objective
Balance of nationalities	Fair	Proportion
Balanced workforce	Fairness	Reasonable
Democracy	Favoured nationality	Sufficient
Democratic	Geographical balance	Underrepresentation
Equal	Geographical composition	Under-represented nationalities

In the dimension of equal opportunities, the concepts in the theoretical framework indicate that many small variations are distinguished to explain representation. Since this dimension emphasises on moral and fair arguments, these key words have been identified. However, since the EU literature emphasises on the concept of geographical balance to address geographical representation, many additional concepts have been identified to collect data for the dimension of equal opportunities.

Figure 5. Key words: Diversity management

Ability	Effective performance	Output
Best	Effectiveness	Performance
Best results	Excellence	Professionals
Business	Experience	Qualifications
Competence	Functioning	Success
Diverse	High-quality	Successful
Diversity	Inclusion	Training
Diversity management	Management	
Efficiency	Merit	

In the dimension of diversity management, EU literature shows an emphasis on the concept of merit. In addition, key words as performance, efficiency, experience and competence increase the possibility to collect appropriate data for this dimension. In line with the equal opportunities dimension, the theoretical framework indicates the expectation that many small variations appear in the empirical data to explain representation.

### 3.4.2 Independent variable: Context of socio-demographic and political developments

In this study, the independent variable concerns the context of socio-demographic and political developments. In representative bureaucracy literature, the contingency approach shows how the concept of representation has varied over time due to changes in the socio-demographic and political context in which public administrations operate. In other words, developments in society, such as the demand for equal opportunities or in terms of the NPM movement, or developments in the political context, such as pressures from influential Commissioners, affect how the Commission justifies their rationales behind representation. In other words, these developments impact how representation is explained in the Commission's staff policies. As such, the following conceptual definition of the independent variable applies: *The context of socio-demographic and political developments concerns changes and pressures in EU society and politics which impact the Commission's rationales behind geographical representation.*

As previously discussed in the theoretical framework, this study's expectations are formulated based on the contingency approach. Since the contingency approach theory is designed for nation-states, it is worthwhile to study whether a similar trend is visible concerning representation in the Commission. Therefore, the same timeline has been adopted in the expectations. As such, it is expected that the first shift happens during the 1970s, while the second shift is witnessed during the 1990s. As a result, the increase of the dimension of diversity management in the past two decades should nowadays be increasingly noticeable within the staff policies. In sum, it is key to determine whether there is a similar



trend between the dimensions as presented in the contingency approach. In sum, it is worthwhile to examine whether these shifts happened in the same period in the Commission as in nation-states.

### 3.5 Validity and reliability

To complete the research design, the validity and reliability of this study are discussed. In research designs, validity and reliability show how a study can be considered both truthful and consistent (Neuman, 2014, p. 212). First, “validity addresses the question of how well we measure social reality using our constructs about it” (Neuman, 2014, p. 212). Since this study is a single-case study over multiple decades, the selected period arguably increases the ‘truthfulness’ of the results by studying a longer period, especially in regard of the selected theoretical framework. Second, “reliability suggests that the same thing is repeated under identical or very similar conditions” (Neuman, 2014, p. 212). The threat of reliability is related to the sample selection, for example, when documents are missing from the analysis while they are significantly important to the results. Therefore, the sample selection must be regarded as a delicate process, during which each source and search term must be mentioned in the research design and additionally, in the list of references. In former studies on representation in the Commission (Gravier, 2008; 2013 and Egeberg & Heskestad, 2010), the selected research methods concerned both interviews and document or content analysis. However, in this study, limitations as time constraints and access to the Commission prevent the use of interviews. Therefore, it is key to be careful about the interpretation of the content, since additional research methods are absent. Furthermore, former studies have shown that internal data on the staff composition, such as transcripts from the Commission’s negotiations concerning representation, are inaccessible, which impacts the validity of the results presented in this study.

## 4 Analysis

This chapter starts with an introduction of the Commission, in which two events are central which have significantly impacted the Commission's perspective on representation. In addition, a discussion of the staff policies gives further insight into geographical representation in the Commission. Second, this chapter turns to the analysis, in which the EU staff regulations are first examined. These regulations are of significant importance for the Commission to explain representation, since other staff policy documents must legally comply with the content of the staff regulations. Third, the chapter moves towards the individual analysis of the dimensions. Fourth, these results are compared to explain whether a similar trend is witnessed in the Commission regarding representation as presented in the contingency approach.

### 4.1 Developments in the European Commission

According to Kassim (2013, p. 5), public administrations must adapt to changing pressures to survive as an organisation. Since the start of the Union in the 1950s, EU institutions have been challenged to be adaptive to internal and external pressures. For example, political pressures from member states' governments, the implementation of EU Treaties or pressures from member states' governments to defend national interests within a 'powerful' policy area. To show how the Commission's perspective on representation has changed, affected by such pressures, first, an overview of the Commission aims to give insight into two events which have influenced the Commission's perspective on representation, which concern the Kinnock reforms (1999-2004) and the 2004 enlargement.

Since the beginning of the Union, organisational change within the institution is considered scarce (Schmidt & Wonka, 2012, p. 6). While there have been a few initiatives in the past to change the Commission's staff policies, no further actions were taken to reform the Commission up until the Kinnock reforms in 1999 (Schmidt & Wonka, 2012, p. 6; Kassim, 2008, p. 648). As such, the impact of the Kinnock reforms is significant in regard to the Commission's past. According to Kassim (2008, p. 654) one of the reasons that the Commission has not changed internally concerns the influence of other EU institutions on the governance of the institution, who showed little interest to reform the Commission. In addition, member states' governments were primarily focusing on the appointment of their nationals into senior management positions among the bureaucracy (Kassim, 2008, p. 654). Furthermore, in contrast to administrative reforms, due to EU Treaties, the competences and role of the Commission has developed during the past decades, of which nowadays, the Commission's primary task concerns the monopoly power to draft legislative proposals in a wide range of EU policy

areas (Schmidt & Wonka, 2012, p. 3). Thus, the question remains why the Commission's administrative reforms in the 1990's happened at that particular moment in the Commission's history?

In 1999, president Romano Prodi assigned vice-president Neil Kinnock to modernise the staff policies and management style of the Commission, in order to prepare the institution for future organisational challenges, such as the 2004 enlargement. Since institutional change is often an incremental process, Kassim (2008, p. 648) argues that it is remarkable that such an extensive reform happened relatively sudden. Thus, what steered these administrative reforms two decades ago? In the Commission, an institutional crisis started through accusations of nepotism in the Santer Commission, which was in force between 1995 and 1999 (Kassim, 2008, p. 655). Consequently, EU member states felt the desire to act and gave the new Prodi Commission the responsibility to reform the Commission internally (Kassim, 2008, p. 655). As a result, the Commission 'seized' the opportunity to reform anything that could not happen earlier (Kassim, 2008, p. 656). The modified staff reforms came into force on May 1, 2004, of which the Commission states that "the changes are far-reaching in comparison to traditional staff policies" (European Commission, 2005). For example, the Prodi Commission decided that staff can only be recruited based on the principle of merit, with the aim to increase the objectivity and transparency of the Commission's recruitment and promotion procedures (European Commission, 2002a). In other words, up until the Kinnock reforms, informal nationality quotas for senior appointments in the Commission has been considered one of the key principals of the Commission's staff policy, while it is forbidden to take nationality into account during staff appointments (Kassim, 2008, p. 653). Furthermore, another measure to balance the influence of nationality in the Commission's staff, concerns the new compulsory job rotation policy (Peterson, 2004; Spence, 2006, p. 143 in Balint, Bauer & Knill, 2008, p. 688). This new mobility rule entails that senior officials cannot stay in one post longer than seven years (European Commission, 2004). In addition, the introduction of a new matrix to classify staff positions in the Commission and the creation of the European Personnel Selection Office (EPSO) to centralise the EU recruitment procedures, are regarded major changes of the Commission's recruitment process (European Commission, 2005).

In addition to the Kinnock reforms, one of the main reasons for modifying the Commission's staff policies can be ascribed to enlargements, since the Commission has the task to integrate staff from new member states relatively rapidly to ensure the organisational performance. Prior to the 2004 enlargement, when the EU grew from 15 to 25 member states, the Commission was aware that administrative reforms were required to successfully manage an enlarged Union in the future. The administrative reforms under Kinnock and the EU enlargement of 2004 were not connected, but "there was no coincidence that on the same day (1 May 2004) that the administrative reforms came

into force, the EU expanded from 15 to 25 member states” (Peterson, 2008, p. 769). Since enlargements have resulted in an increase of staff from new member states since the start of the EU, the number of member states differs throughout the EU history. Therefore, an overview of the enlargements is given in Figure 6.

Figure 6. Overview of EU enlargements (European Commission, 2016)

Year	Member States
Founding members (1952)	Belgium, France, Germany, Italy, Luxembourg, the Netherlands
1973	Denmark, Ireland, the United Kingdom
1981	Greece
1986	Spain, Portugal
1995	Austria, Finland, Sweden
2004	Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovakia, Slovenia
2007	Bulgaria, Romania
2013	Croatia

## 4.2 Staff policies

To explain the Commission’s rationales behind geographical representation, the staff policies are selected to examine. As previously discussed in the research design, staff policy documents in this context concern official EU documents as staff regulations, the Commission’s diversity reports and the Commission’s press releases. Prior to the analysis, an introduction of the staff policies gives insight into the development of geographical representation in the staff policies.

In the beginning period of the EU, during the 1960s, the Commission decided that staff must be recruited from all member states in order to deliver policies which are in the best interest of the member states (Kassim, 2013, p. 52). As such, Kassim (2013, p. 25) argues that the operation of a career-based model was compromised by demands of nationality, since the underrepresentation of certain member states negatively affects the Commission’s credibility to embody the common interest. As a result, the EU staff regulations from 1961 have incorporated the commitment to maintain a geographical balance among the Commission (Kassim, 2013, p. 52). Moreover, the national governments of the 6 founding members decided that the Commission must be staffed as follows: “In rough proportion to the relative size of national contributions to the Community budget” (Lindberg, 1963, p. 72 in Kassim, 2013, p. 53). Consequently, “this balance was reviewed and revised during each enlargement up until 2004” (Kassim, 2013, p. 53). National governments have pressured the Commission “to ensure the presence of their nationals in appropriate numbers at all levels of the organisations, and together with the transformation of the cabinets into agents of national

governments, these pressures have distorted career progression of officials based on merit alone” (Coombes, 1970; Ritchie, 1992 in Kassim, 2013, p. 53). In other words, nationality has been used as an important factor to design the Commission’s staff policies in the past.

In response, during the Kinnock reforms, “the Commission has taken steps to reduce the influence of nationality as a consideration in personnel decisions” (Kassim, 2013, p. 54). For example, new appointment procedures were introduced to protect civil servants from external interference, for example, through the abolishment of informal national quotas (Kassim, 2013, p. 54). However, while nationality has been a major consideration in the staff policies in the past, there were actually “a number of safeguards to prevent national interests from compromising the Commission’s independence” (Kassim, 2013, p. 54). In other words, nationality in the Commission has been used as a factor to make decisions in terms of passive representation, while active representation has been explicitly forbidden since the original staff regulations from 1961.

Furthermore, since the Commission considers the EU staff regulations sufficient to explain geographical representation among the staff, the absence of an official EU policy on representation is justified accordingly by the Commission (Gravier, 2013, p. 824). As such, additional staff documents have been collected to obtain empirical data, in order to study multiple rationales behind representation in the Commission. As previously mentioned in the research design, especially press releases are considered useful to obtain insight into the Commission’s changing perspective on representation. To further increase our understandings of geographical representation, this study will now turn to the analysis, in which the EU staff regulations are first examined.

#### 4.2.1 Staff regulations

The analysis of the staff policy documents starts with the EU staff regulations, which came into force in 1961 (Kassim, 2008, p. 653). In these staff regulations, nationality or the nationality diversity among the EU institutions’ staff is not explicitly addressed, since the concept of nationality has only been mentioned once without any referral to geographical representation (European Economic Community, 1961). However, EU literature demonstrates that the concept of geographical balance has a similar meaning to the concept of geographical representation used in this study, since both concepts focus on the representation of all EU member states’ nationalities among the staff. Furthermore, the staff regulations show three articles that are worthwhile to analyse, which entail Article 7, Article 11 and Article 27. These articles are individually examined to demonstrate which regulations the Commission must comply to while designing the staff policies. In addition, Article 11 has been modified in 2004 and

in 2013, while Article 27 has been modified in 2013. Both the original and modified version are analysed to compare changes in the content.

#### *Article 7 (1)*

*The Appointing Authority shall, acting solely in the interest of the service and without regard to nationality, assign each official by appointment or transfer to a post in his function group which corresponds to his grade (European Economic Community, 1961; European Union, 2016).*

First, Article 7 focuses on career progress, in which nationality cannot be considered during the appointment of staff. As such, this article demonstrates that nationality is not a key factor in terms of career progress of the EU institutions' staff. Moreover, the following articles provide further insight into the reasonings behind this statement.

#### *Article 11 (1961)*

*An official shall carry out his duties and conduct himself solely with the interests of the Communities in mind; he shall neither seek nor take instructions from any government, authority, organization or person outside his institution. An official shall not without the permission of the appointing authority accept from any government or from any other source outside the institution to which he belongs any honour, decoration, favour, gift or payment of any kind whatever, except for services rendered either before his appointment or during special leave for military or other national service and in respect of such service (European Economic Community, 1961).*

#### *Article 11 (2004; 2013)*

*An official shall carry out his duties and conduct himself solely with the interests of the Union in mind. He shall neither seek nor take instructions from any government, authority, organisation or person outside his institution. He shall carry out the duties assigned to him objectively, impartially and in keeping with his duty of loyalty to the Union.*

*An official shall not without the permission of the appointing authority accept from any government or from any other source outside the institution to which he belongs any honour, decoration, favour, gift or payment of any kind whatever, except for services rendered either before his appointment or during special leave for military or other national service and in respect of such service.*

*Before recruiting an official, the appointing authority shall examine whether the candidate has any personal interest such as to impair his independence or any other conflict of interest. To that end, the*

*candidate, using a specific form, shall inform the appointing authority of any actual or potential conflict of interest. In such cases, the appointing authority shall take this into account in a duly reasoned opinion. If necessary, the appointing authority shall take the measures referred to in Article 11a(2). This Article shall apply by analogy to officials returning from leave on personal grounds (European Union, 2016).*

#### *Article 11a*

- 1. An official shall not, in the performance of his duties and save as hereinafter provided, deal with a matter in which, directly or indirectly, he has any personal interest such as to impair his independence, and, in particular, family and financial interests.*
- 2. Any official to whom it falls, in the performance of his duties, to deal with a matter referred to above shall immediately inform the Appointing Authority. The Appointing Authority shall take any appropriate measure, and may in particular relieve the official from responsibility in this matter.*
- 3. An official may neither keep nor acquire, directly or indirectly, in undertakings which are subject to the authority of the institution to which he belongs or which have dealings with that institution, any interest of such kind or magnitude as might impair his independence in the performance of his duties (European Union, 2016).*

Second, Article 11 focuses on protecting the common or European interest by explaining that officials must be impartial and independent, which means that it is forbidden to act upon national interests while working in the EU. As such, the concept of active representation can be identified. In active representation, representation happens when staff actively strives for the interests of their particular group or in this context, their nationality or country of origin. The Commission forbids any form of active representation by stating that actions based on the nationality of the individual are forbidden. Furthermore, the content of the modified version shows an increasing emphasis on the impartiality and independence of the staff, for example, by adding the ‘duty of loyalty’ to these staff regulations.

#### *Article 27 (1961)*

*Recruitment shall be directed to securing for the institution the services of officials of the highest standard of ability, efficiency and integrity, recruited on the broadest possible geographical basis from among nationals of Member States of the Communities. Officials shall be selected without reference to race, creed or sex. No posts shall be reserved for nationals of any specific Member State (European Economic Community, 1961).*

#### *Article 27 (2013)*

*Recruitment shall be directed to securing for the institution the services of officials of the highest standard of ability, efficiency and integrity, recruited on the broadest possible geographical basis from among nationals of Member States of the Union. No posts shall be reserved for nationals of any specific Member State. The principle of the equality of Union's citizens shall allow each institution to adopt appropriate measures following the observation of a significant imbalance between nationalities among officials which is not justified by objective criteria. Those appropriate measures must be justified and shall never result in recruitment criteria other than those based on merit (European Union, 2016).*

Third, Article 27 can be considered an anti-discrimination regulation to favour equality between the member states, since the emphasis in this article is on the recruitment of staff solely based on merit. A comparison of the content of the two versions shows a shift towards a more elaborate explanation on the role of nationality during the recruitment of staff. For example, the second part of the modified article focuses on the principle of equality, which has not been mentioned in the original version. However, the most significant finding of this article concerns the possibility for EU institutions to adopt 'appropriate measures' to address underrepresentation of member states' nationalities among the EU institutions' staff. The staff regulations demonstrates that EU institutions are allowed to take such measures. Therefore, it is interesting to examine how the Commission explains these appropriate measures to address underrepresentation. The question that remains, concerns what these appropriate measures to address the underrepresentation as mentioned in Article 27 entail in practice? To answer these types of questions, additional staff policy documents of the Commission have been selected with the aim to increase our understandings of geographical representation. This chapter continues with the individual analysis of the dimensions of the contingency approach, in which power is first analysed, followed by equal opportunities and finally, diversity management is examined.

#### **4.3 Representation: Power**

In the first dimension of the contingency approach, Groeneveld & Van de Walle (2010, p. 241) explain that the perspective of power entails that when dominant groups of societies are in power in public administrations, representation of these groups can result in a representative bureaucracy. The first question that arises, concerns who can be regarded as the dominant group in the context of the Commission? Since this study focuses on geographical representation, the dominant group concerns the member states who occupy the staff positions prior to enlargements. The beginning of the EU with 6 member states is in large contrast to the current Union of 28 member states, which means that during each EU enlargement, the dominant group had to align interests with these new and emerging



ruling classes. In the EU, it is not possible to exclude these rival powers, which means that the integration and loyalty of new member states is key for the harmony among the administration. In the power dimension, the dominant group aims to protect their power, which means that this group decides how and to what extent new member states are integrated within the administration's staff. The dominant group can influence representation in the Commission, for example, through allocating a set number of staff positions to new member states or designating 'less powerful' policy areas to Commissioners from new member states. Moreover, since this study is not a quantitative nor a normative research, a qualitative research approach of the staff policy documents determines how the power dimension is witnessed within the Commission.

The mass recruitment and integration of staff during EU enlargements can possibly be compared to the process of corporate acquisitions, in which one side is typically the dominant partner (Ban, 2013, p. 9). However, since the dominant group should protect the stability in the Commission by obtaining loyalty from new member states, the dominant group must create staff policies that will justify the integration of new staff towards the new member states. For example, the dominant group makes decisions on how to structure the recruitment procedures to recruit loyal and qualified staff. Since the EU has expanded from 6 to 28 member states, a power battle between existing and new member states could be expected in the past. As such, the EU has staff regulations in force since 1961 to avoid any power battle or rivalry on geographical representation between the dominant group and new member states. In the staff regulations, a dominant position of any member state is not distinguishable, which can be explained as the creation of the EU is based on a voluntarily, intergovernmental collaboration. While the staff regulations do address the goal to achieve 'geographical balance', there is no further explanation on representation. Thus, this 'grey area' of the definition of geographical balance has created the opportunity for the dominant group to influence representation in the past, for example, by allocating a smaller percentage of staff positions to new member states to protect their power in significantly important policy areas.

How the Commission motivates representation in the beginning years of the EU affects how geographical balance is currently explained. As such, Gravier (2013, p. 824) obtained a document in 2003 which shows that a form of geographical balance has been practiced by the Commission since 1958. According to Gravier, (2003, p. 824), this is a remarkable finding, since transparency on representation is generally lacking before the year 2000. The document states that "each of the three 'big' member states (France, Germany, Italy) were allocated a rough share of 25% and the three 'smaller' states (Belgium, Luxembourg, the Netherlands) shared the remaining 25% of staff members' positions" (Gravier, 2013, p. 824). Thus, this finding by Gravier shows that in the past, the

Commission's staff positions between the 6 founding members have resulted in bigger shares for larger member states, while smaller member states have received a lower number of staff positions. Subsequently, in this situation, geographical balance in the EU does not mean an equal divide of the staff positions between the member states, but simply concerns the presence of all member states among the staff. Thus, this finding implies that larger member states were using passive representation to achieve a form of active representation in the past. In other words, when member states have more staff from their nationality present in the Commission, this power could be used to steer decisions in favour of their member state. However, this statement remains speculative, since there is no supporting data to confirm this argument. Gravier's (2003, p. 824) finding shows that the perspective of power can be used to explain representation, especially in the beginning when only 6 member states collaborated.

During the Kinnock reforms, the Commission created a new framework for the recruitment of staff during enlargements, which is considered a shift from a subjective to a more objective approach on representation. Ban (2013, p. 98) argues that "from the standpoint of the Commission, each enlargement presents the challenge of how to represent all citizens of Europe. First, it does so by setting recruitment targets and then bringing in staff who meet the standards of the EC". In the past, the Commission stated that "value for the relative share of human resources of the new member state was determined through negotiations, comparisons between old and new member states and occasionally through objective criteria as the population and GDP" (European Commission, 2003a). In addition, 'smaller' member states should have "a share of staff relatively larger than their share of the EU population, and that the biggest member states should have a share of staff that was roughly the same" (European Commission, 2003b). In other words, these explanations demonstrate that power has been used as a rationale to explain representation in the past, especially during enlargement negotiations between the dominant group while allocating staff positions to new member states. Thus, the Kinnock reforms demonstrate an apparent shift in which these subjective negotiations were replaced with objective criteria for the recruitment of staff from new member states.

Furthermore, another example of a power rationale concerns the decision to recruit staff from all member states, while ensuring that they are independent from their national government, in order to decrease the opportunity for governments to influence the Commission's staff. As such, Coombes (1970, p. 133; Spence, 1997, p. 69-70 in Christensen, 2014, p. 657) explains that "the autonomy of the organisation motivated the creation of a career civil service in 1956 which is not made up by seconded national officials, but European officials who were independent of national governments and loyal solely to the European interests". In other words, this statement demonstrates that the Commission

aims to increase the loyalty of civil servants to the EU through forbidding any form of active representation. In contrast, “particularly the French government was in favour of a system where officials were seconded to the Commission from national administrations for shorter periods” (Coombes, 1970, p. 135 in Christensen, 2014, p. 658). Nowadays, this idea would highly spark the debate on active representation and in terms of equality, arguably decreases the legitimacy of the Commission towards the member states. Furthermore, this dimension also shows why there is a lack of communication from the Commission on representation, since the debate on both passive and active representation remains a sensitive subject among politicians of EU member states.

In conclusion, the staff policy documents show that in the past, power of the dominant group has been used to shape the staff policies. For example, informal quotas and subjective negotiations have taken place to allocate a number of staff positions to new member states. However, to achieve a representative bureaucracy, the dominant group must align interests with these rival powers through integrating staff from the new member states into the Commission, in order to receive their loyalty to successfully obtain stability and harmony among the administration. In addition, the analysis of the first dimension also implies that the turning point towards the second dimension of the contingency approach happens during the Kinnock reforms. An example concerns the shift from the use of subjective negotiations between member states during enlargements towards objective enlargement criteria regarding the recruitment of staff from new member states, which were established during the reign of the Prodi Commission. In sum, it is arguably easier for member states to use their power among a smaller group of 6 member states than within a collaboration with 28 member states. Therefore, it is interesting to study whether the shift towards equal opportunities relates to the significant increase of EU member states, especially during the 2004 enlargement.

#### 4.4 Representation: Equal opportunities

The second dimension of the contingency approach entails equal opportunities. The shift in representative bureaucracy theory in which representation in public administrations should not only concern the dominant group, but all groups or citizens of society, is central in this dimension. In other words, only when all groups of society are represented in the public administration, can the administration be considered a representative bureaucracy (Groeneveld & Van de Walle, 2010, p. 244). The principle of equality is the main driver in this dimension, since representation of dominant groups is no longer considered sufficient. The question arises whether a similar trend is witnessed within the Commission? To what extent does the Commission use rationales of equal opportunities to shape their staff policies concerning geographical representation? In representative bureaucracy theory, the

distinction between dominant and disadvantaged groups is used to explain the rise of disadvantaged groups into the bureaucracy. As previously discussed, the dominant group arguably consists of the 6 founding member states of the EU, since they had the possibility to protect their power during enlargements. As a result, the disadvantaged group therefore relates to member states who have joined the EU through enlargements. Thus, in this dimension, equal opportunities for all EU member states among the Commission's staff is central.

To study the rationales of the Commission regarding equal opportunities, this dimension focuses on equal opportunities for all member states' citizens to be recruited by the public administration. The access of disadvantaged groups into the administration relates to both the recruitment and promotion procedures (Groeneveld & Van de Walle, 2010, p. 246). In contrast to the first dimension of power, each member state or citizen must have equal access to the public administration, which means that new or 'smaller' member states must receive the same opportunities for their citizens to be recruited in comparison to the dominant group. In other words, there should not be any preference to recruit staff from the dominant group, in order to witness a shift towards rationales of equal opportunities to explain geographical representation among the Commission's staff.

The EU staff regulations of 1961 state that staff is recruited on 'the broadest geographical basis' (European Economic Community, 1961). In other words, the first significant document in which the concept of passive representation is addressed, demonstrates that geographical balance is key for the composition of the Commission's staff. However, no further explanation is given on how the EU aims to obtain geographical balance and additionally, when the Commission considers itself a representative bureaucracy. As previously discussed, political sensitivity on the Commission's staff composition arguably explains why these types of questions regarding geographical representation have never been explicitly defined by the Commission. Due to the concept of geographical balance in the staff regulations of 1961, it can be argued that rationales of equal opportunities have been present since the start of the Union. Geographical balance can be interpreted in favour of equality, since the Commission argues that by having a 'broad geographical balance' among the staff, each nationality is represented in the Commission. However, the power dimension has shown that the concept of geographical balance does not necessarily translate to the principle of equality. Thus, additional research is required to determine when a shift towards rationales of equal opportunities is witnessed.

While the staff regulations of 1961 address geographical balance, there is no evidence that geographical balance has received additional attention in official publications of the Commission between 1961 and 1999. However, a speech in 1994 by Mr. van Miert, a member of the Commission

which is responsible for staff policy and administration, demonstrates that the Commission emphasises on *"a fair level of representation for new EU member states"* (European Commission, 1994). By stating that the representation of new EU member states must be on 'a fair level', this statement is an example of a rationale of equal opportunities. However, data from 1999 and onwards, shows why it can be argued that there has been a significant shift from rationales of power towards equal opportunities during the second half of the 1990s. For example, at the start of the Kinnock reforms, Kinnock states in a press release on the reform proposals, *"its strong desire to ensure that there should be a balanced spread of all nationalities of the EU at all levels of the hierarchy to safeguard the cultural diversity and cohesion of the European Public Service"* (European Commission, 1999a). This statement indicates that representation has received increased attention from the Prodi Commission by emphasising for the first time on nationality diversity at each 'level' within the institution and by referring to a 'balanced spread of all nationalities' (European Commission, 1999a).

In addition to geographical balance, the staff regulations also show that staff is recruited based on the principle of merit. The definition of the Commission on merit entails *"vocational expertise, professional experience and training, managerial capability in terms of organisational, communication and team leadership abilities, personal skills, strategic perception and conceptual strengths"* (European Commission, 1999b). In contrast to regular recruitment procedures, a special situation occurs during enlargements, during which staff is recruited based on merit and their nationality. During both situations, rationales of equal opportunities can be identified to determine how the Commission explains geographical representation. Due to the lack of transparency on recruitment procedures prior to the reforms, there is a shift witnessed during the Kinnock reforms in which objective and transparent regulations have replaced subjective negotiations or informal quotas regarding the recruitment of staff. In terms of new EU member states, their access to the Commission will therefore arguably improve, which favours the equality principle between the member states.

Besides the increase of objective criteria in the staff policies during the Kinnock reforms, the creation of EPSO and the new matrix to classify staff positions, the new senior staff policy is one of the examples which shows that the Commission moves towards rationales of equal opportunities to explain representation. In a press release in which the Commission announces next steps for the implementation of new senior staff policy, the Commission emphasises that *"every effort should be made to respect the need for a balance of nationalities"*. However, this 'effort' has not been further defined by the Commission (European Commission, 2002a). Furthermore, the Commission argues that *"national quotas for posts are not an acceptable tool of personnel policy and not permissible under the staff regulations. Maintaining a broad geographical balance is, however, a valid objective in a*

*multinational public administration like the Commission*” (European Commission, 2002a). Moreover, the Commission argues that for the new senior staff policy, *“priority will continue to be given to internal candidates, but a number of external appointments may be necessary to improve geographical balance”* (European Commission, 2002a). In response, Knill & Balint (2008, p. 671) argue that “for senior managers in the EC, there is a very clear analysis of nationality to avoid overrepresentation or under-representation of certain nationalities”. In addition, one of the measures to balance the influence of the nationality in the Commission’s staff is the new compulsory job rotation policy, which aims to diminish national influence in any policy area (Peterson, 2004; Spence, 2006, p. 143 in Balint, Bauer & Knill, 2008, p. 688). These statements of the Commission show that the use of quotas and any form of recruitment based on nationality under the staff regulations during recruitment procedures are not permissible, while the Commission mentions that efforts are made to respect geographical balance among the senior staff. In addition, Article 27 of the staff regulations demonstrates that it is possible for EU institutions to take appropriate measures to address the underrepresentation of member states’ nationalities among the staff, however, these measures cannot be translated into national quotas according to the Commission. In sum, the Commission is thus challenged to recruit staff based on the principle of merit, which could be in favour of the equality between the member states, however, the staff policies indicate that maintaining a geographical balance between the member states is also regarded as an important driver in the Commission’s staff policy. In other words, the tension between recruiting based on merit and/or nationality arguably remains the reason why the Commission does not communicate extensively on representation, since increased transparency could lead to renewed attention for the debates of both active and passive representation in the Commission between EU member states.

In addition to the Kinnock reforms, changes in the enlargement staff policies prior to the 2004 enlargement demonstrate increased attention for rationales of equal opportunities. In 2001, the Commission states in a working paper that *“given the important number of additional member states to be welcomed, there is a clear case for a review of the approach adopted at previous enlargements, with a view to maintaining a certain balance between staff by country of origin”* (European Commission, 2001). As such, a set of objective criteria has been created to establish ‘reference values’ or ‘indicative recruitment targets’ for the recruitment from new member states (European Commission, 2001; European Commission, 2005). In the previous EU enlargement in 1995, these values were less transparent and highly subjective, since the numbers were based upon “an approximate comparison between the old and the new member states by using criteria as population and GDP” (European Commission, 2005). The new targets have been developed through the following criteria: “The number of inhabitants, the weighting of votes in the Council and the number of seats in

the European Parliament” (European Commission, 2005). These changes show a shift towards equal opportunities, since equal opportunities have increased for the disadvantaged group, for example, since objective criteria and recruitment targets form the basis of the current recruitment procedures. In response to these values, the results of the 2004 enlargement are used to identify “which further competitions are needed in order to reach the indicative targets for each nationality” (European Commission, 2005a). This statement shows that equal opportunities is therefore important for the Commission to shape their staff policies, since the Commission expects to further improve its staff policies for future enlargements to achieve a representative bureaucracy. Furthermore, Gravier (2013, p. 828) argues that it is remarkable that the Commission on the one hand claims that these targets are indicative, but on the other hand states that they strive to achieve these targets within a set period.

Moreover, the Commission states that *“officials are discouraged by the perception, whether correct or not, that there is a strong candidate who is certain to get the post or that there is a favoured nationality”* (European Commission, 2002a). The part on “the strong candidate of a favoured nationality who is certain to get the post” supports the principle of merit as the main principle to justify representation in the Commission’s staff policies. However, in terms of the perception that there is a favoured nationality, this is an example of the power dimension, in which the dominant group is more likely to be recruited for a particular staff position than the disadvantaged group. Since the Commission cannot promote or recruit staff based on their nationality, this perception of the Commission’s staff is remarkable. Since this finding is witnessed two decades ago, it is interesting to explore whether the Commission’s staff nowadays has a similar perspective or whether there has been a change among the staff in terms of equality and nationality preferences. However, Peterson (2008, p. 775) argues that “no one pretends that the views or weight of the Maltese or Bulgarian Commissioner count for the same as those of their British or French counterparts”. Therefore, regardless of distributing staff positions ‘equally’ among the member states, politically, this does not automatically result in ‘equal power’ between the member states in the Commission. Peterson (2008, p. 771) states that intergovernmental politics of the Commission’s president to influence which staff member ends up where remains to exist. Therefore, not every member state has an equal chance to end up with a ‘powerful’ policy area. However, the Commission states that concerning the underrepresentation of nationalities, it has every interest to correct these imbalances both on *“efficiency as political grounds”* (European Commission, 2002a). Political grounds could be interpreted in favour of equality, since the Commission must legitimise geographical representation towards the member states. Furthermore, in response to the implementation of the Kinnock reforms, the Commission aims to *“examine how future movements, such as departures or retirements, can contribute to redress geographical imbalance”* (European Commission, 2002a). In other words, the Commission has increased transparency on

representation by stating that at first, geographical balance or underrepresentation of member states' nationalities is indeed monitored by the Commission and second, that their focus is subsequently on fixing imbalances to obtain geographical balance among the staff. In other words, the Commission has started to give insight into measures to address underrepresentation, for example through considering departures or retirements to increase geographical representation among the staff.

The analysis of rationales behind equal opportunities shows increased attention from the Commission for a 'geographically balanced' staff during the Kinnock reforms. Despite the absence of an official EU policy on representation, the Commission has been publishing action programmes on diversity since 1995, originally to achieve gender diversity (European Commission, 2017c; European Commission, 2002b). It is interesting that the Commission has "fixed quantitative objectives for the recruitment of women and for the appointment of senior management staff", since these action programmes impact the staff composition significantly (European Commission, 2002b). Regarding the diversity strategy of the Commission on gender balance, the Commission explains that *"positive action is taken to improve the career prospects of women civil servants by giving them preference when there are male and female candidates of equal merit"* (European Commission, 1999a). In 2014, Maroš Šefčovič, vice-president of Commission Barroso II, argues that *"getting the most from all our staff, women as well as men, is no longer just desirable, it is essential. That is why I made equal opportunities a key priority of my mandate, and I hope my successor continues to build on this success"* (European Commission, 2014). In response to the increased attention to address inequalities among the staff, such as gender in the staff policies, the Juncker administration has set the goal in 2015 *"to increase 40% female representation in senior and middle management by 2019"* (European Commission, 2017a). In sum, the staff policies of the Commission since 2004 regarding rationales of equal opportunities shows that diversity aspects of staff as gender and nationality have received increased attention from the Commission. An example of this increased attention resulted in the following statement by the European Court of Justice (ECJ): *"The primary criteria for recruitment should always be the interests of the service, competence and efficiency, and nationality is only a secondary criterion"* (Gravier, 2013, p. 823-824). In other words, nationality is always inferior to merit. The question which subsequently arises, concerns which aspect of diversity is decisive during recruitment procedures for candidates with equal merit, being a woman or coming from an underrepresented nationality? Since it is forbidden to recruit staff based on their nationality and due to the official staff policy on gender, nationality could be expected inferior to gender in practice.

In addition to action programmes on gender balance, the diversity and inclusion report of 2017 from the Commission Juncker also shows increased attention for equal opportunities. For example, through



“securing equal opportunities at every step of the career through mobility and recruitment procedures” (European Commission, 2017a). The Commission argues that equal opportunities for staff has been present in their action programmes in the past, however, this renewed attention for equal opportunities indicates a shift towards an increase of the importance of diversity policies. In terms of geographical representation, the Commission Juncker states in 2017 that the staff regulations address the recruitment of staff by stating that the Commission’s staff is recruited on the broadest geographical balance possible and therefore, nationality is not included in this diversity report (European Commission, 2017b). The decision of the Commission to exclude nationality is remarkable, since differences between staff members’ cultural backgrounds arguably influence the performance of the Commission more than the ratio men/women among the staff.

In conclusion, equality through the concept of geographical balance of staff is an important driver for the Commission as a multinational public administration to shape their staff policies. The staff regulations have incorporated geographical balance since the start of the EU, which could be used in favour of equality. However, there is an apparent shift in the 1990s during which the Kinnock reforms have replaced prior staff policies that included rationales of power with staff policies that focus on equal opportunities. For example, regarding the adoption of transparent and objective criteria during enlargements. Since the Kinnock reforms, the Commission has started to communicate on the staff composition, which shows that geographical representation in general has received increased attention from the institution. However, since geographical representation is not an official EU policy, the Commission remains reluctant to refer directly and extensively to representation, nationality diversity or geographical balance in their staff policy documents. In sum, it is possible to argue that since staff is recruited based on the principle of merit, each nationality should have the same opportunity to be recruited by the institution. In contrast, when the Commission states that it aims to act upon underrepresentation of member states among the staff, equal opportunities could be threatened for civil servants from represented member states. For example, when the Commission must decide between two candidates for a particular staff position, of which one candidate has a nationality that is considered ‘underrepresented’, the Commission implies that it will consequently recruit this candidate. Thus, additional research on the role of nationality during recruitment and promotion procedures regarding equal opportunities could give further insight into this exemplary question. However, by mentioning underrepresentation in their publications, the Commission demonstrates their increased attention for passive representation.

#### 4.5 Representation: Diversity management

The third dimension of the contingency approach entails diversity management. In representative bureaucracy theory, “the diversity management approach to representative bureaucracy continues in the tradition of earlier approaches, but adds a strong focus on organisational performance” (Groeneveld & Van de Walle, 2010, p. 247). Since public administrations have witnessed an increase of diversity among their staff, the focus in representative bureaucracy literature has shifted towards the challenge to benefit from a diverse staff to improve the organisational performance. Representation in the Commission can be explained by identifying rationales of diversity management to explain nationality diversity among the staff. The analysis of equal opportunities has shown that a shift is witnessed during the Kinnock reforms from rationales of power towards equal opportunities. In line with the contingency approach, it is expected that there is also a shift witnessed from rationales of equal opportunities towards diversity management in the Commission’s staff policies. Therefore, rationales of diversity management are examined, in order to investigate how the Commission explains geographical representation.

In the staff regulations of 1961, the following statement has been included in the introduction: *“Whereas those Staff Regulations and Conditions of Employment should be such as to secure for the Communities the services of staff of the highest standard of independence, ability, efficiency and integrity, recruited on the broadest possible geographical basis from among nations of Member States of the Communities, and at the same time to enable such staff to discharge their duties in conditions which will ensure maximum efficiency* (European Economic Community, 1961). In this statement, rationales of diversity management are identified when EU institutions must secure that staff members possess a high level of ability and efficiency. Thus, the staff regulations show that organisational performance has been used as a rationale to explain the staff composition of the EU since the beginning, however, the question arises to what extent the emphasis on organisational performance relates to the other dimensions of the contingency approach? Furthermore, Article 27 states that the Commission can only recruit staff based on the principle of merit, which shows that organisational performance has been an important driver for the Commission to justify the representation towards the member states.

As previously discussed in the dimension of equal opportunities, the Kinnock reforms have modified the content of the staff regulations and other policies or action programmes of HR management significantly. The Prodi Commission states in a report from 2003 on the progress of the reforms that the Commission focuses on *“more efficiency and accountability of the institution towards its member states, to report more quickly and openly on its actions and performance”* (European Commission,

2003c). Additionally, Kinnock argued in 2002 that due to the administrative reforms, *“the Commission continues to develop a modern, high quality, public service organisation which uses the professional abilities of its staff to its best effect”* (European Commission, 2002c). These statements show that during the Kinnock reforms, diversity management has received increased attention, for example, when Kinnock explains that the modernisation of the Commission is inherent to the performance of the staff (European Commission, 2002c). In addition, Kinnock states that regarding geographical representation, *“merit must have primacy, whilst we strive to have senior managers of all EU nationalities in this multinational institution. We are not prepared to run a sort of Eurovision contest for which nationality holds the greatest number of posts – and we do not think that the European public would want us to”* (European Commission, 2002a). The latter part of this statement can be questioned, since passive representation is arguably an important characteristic of public administrations (Lim, 2006 in Gravier, 2013, p. 820). EU member states are expected to welcome knowledge on how their nationality is represented among the Commission’s staff, especially in senior management. For example, when member states are considered underrepresented by the Commission, their national governments could support the Commission to recruit qualified staff.

In staff policy documents of the Kinnock reforms, rationales of diversity management are discovered in objective criteria on the organisational performance, in modifications of the recruitment and promotion procedures (European Commission, 2000). In a press release on the staff regulations of the Commission in 2004, Kinnock states that *“the Commission has adopted HR policies that prepare the institution for the future, which will help to sustain excellent performance of the staff to face challenges that derive from EU enlargements”* (European Commission, 2004). The former career system was extensively modified to create a modern working environment, for example for staff to receive equal pay for similar work and the introduction of a new matrix to classify staff positions (European Commission, 2004; European Commission, 2005). In terms of the new mobility rule, the Commission argues that *“mobility widens experience and skills and provides senior officials with the motivation of new management and policy challenges, while it also stimulates new thinking and improves performance”* (European Commission, 2002). This statement shows that the mobility rule can be used to explain geographical representation through diversity management rationales. As such, the Commission explains that the new rule is beneficial to the organisational performance, since new experiences and skills will stimulate thinking to improve the performance of senior management. In other words, president Romano Prodi argues that *“not only do we want senior managers to change jobs with reasonable regularity so that know-how and experience circulate in the Institution, we also want our senior staff to have the widest possible experience”* (European Commission, 2002). In sum, Prodi demonstrates in 2002 that the Commission shows that the mobility rule for senior management

staff aims to increase the organisational performance, for example, when managers must work with staff from nationalities that are relatively unfamiliar for the manager.

In terms of enlargements, the Commission stated prior to the 2004 enlargement that *“high performance is a permanent requirement and the need for that is emphasised by the challenges coming with the next EU enlargement”* (European Commission, 2003c). Since the Commission must actively recruit staff from the new member states during enlargements, *“in the interests of candidates, member states and the Commission, the competitions will be as demanding during EU enlargements than for EU wide competition, or regular recruitment procedures”* (European Commission, 2003b). In addition, the Commission states that *“merit is also in the case of recruitments from new member states, the dominant criterion in decisions on management appointments”* (European Commission, 2005). Other statements on EU enlargements in favour of diversity management rationales concern that *“it must be absolutely clear that we aim to recruit highly skilled candidates”* and *“in order to maintain the high level of excellence among their staff and to integrate new staff members, the Commission wishes to attract and recruit candidates of the highest standards in terms of competence and qualifications”* (European Commission, 2003a; European Commission, 2003b). Regarding the 2004 enlargement, the Commission stated that *“the rationalisation efforts and efficiency gains made possible by the reform mean that increased demands of an enlarged Union can be met with 13% more staff”* (European Commission, 2003c). Furthermore, *“one of the main challenges in HR management is to ensure the functioning of services during EU enlargements”* and *“a gradual approach to integrate staff, benefits the stability of operations”* (European Commission, 2001; European Commission, 2003b). All these statements on the 2004 enlargement demonstrate how the principle of merit is used by the Commission to explain the staff composition and consequently, geographical representation. Prior to the enlargement of Croatia in 2013, vice-president of Commission Barroso II, Maroš Šefčovič, argued in a press release in 2012 that *“Croatia will make an enormous contribution to European integration and that he hopes that many of the brightest and best talented citizens will be inspired to work in the EU institutions”* (European Commission, 2012). The emphasis of Šefčovič on ‘brightest and best talented’ staff shows how merit is the main driver in the staff policies to explain representation.

Since the Kinnock reforms, the Commission started to increase attention for diversity. For example, in July 2017, the Juncker administration published a report on the Commission’s strategy for diversity and inclusion in the Commission. The Commission argues that *“diversity is regarded as a source of enrichment, innovation and creativity and where inclusion is promoted by managers and all staff”* (European Commission, 2017a). Moreover, as previously mentioned in the equal opportunities dimension, it is remarkable that nationality is not considered a part of this diversity strategy, since

nationality or national origin arguably has a larger impact on the individual performance than someone's age or gender. In contrast to Kinnock, whose aim was to increase transparency on the internal management of the Commission, this diversity report is evidence that transparency on geographical representation remains behind in comparison to the Commission's gender and other diversity policies. Furthermore, Commissioner Oettinger of the Juncker administration, who is responsible for the budget and HR, stated that *"we want our staff to be valued and accepted, irrespective of their age, gender, sexual orientation or disabilities. If we build on diversity, we will be more innovative and deliver better results for citizens"* and in addition, the Commission states that *"organisations which embrace a diverse workforce and are inclusive to all, tend to deliver better results"* (European Commission, 2017b; European Commission, 2017d). These statements are in line with diversity management literature, in which it is argued that when organisations with a diverse staff are managed successfully, the organisational performance will increase (Nielsen & Nielsen, 2013, p. 375; Ely & Thomas, 2001 in Groeneveld & Van de Walle, 2010, p. 250).

In conclusion, the question remains whether there is a significant shift from equal opportunities towards diversity management rationales in the Commission's staff policies? The empirical data shows that diversity management rationales could be identified in the beginning years of the Union, for example, regarding the emphasis on the performance of staff and the efficiency of the institution. However, since the Kinnock reforms, there has been significant increased attention to benefit from a diverse staff. In anticipation of the 2004 enlargement, the Prodi Commission became aware that diversity management is key for the performance of an enlarged Commission in the future and therefor, the Commission adopted many new staff policies, such as the mobility rule for senior management staff.

#### 4.6 Results

In the analysis, rationales of power, equal opportunities and diversity management are all identified within the Commission's staff policies. While it can be argued that the original staff regulations from 1961 already demonstrate rationales of equal opportunities and diversity management, the turning point during when the Commission started to increasingly adopt and explain these rationales in the staff policies, is identified around the Kinnock reforms (1999-2004). These administrative reforms of the Commission clearly demonstrate a shift from rationales of power towards an increased transparency and objectivity regarding the staff composition, which results in a shift in the Commission towards explaining representation through rationales of both equal opportunities and diversity management. The analysis shows that the dimensions of equal opportunities and diversity

management are rather intermingled than opposites in the staff policies, for example, since the principle of merit shapes the staff policies, which emphasises on equal treatment of all staff members regarding recruitment and promotion procedures, while merit is also used by the Commission in favour of the organisational performance. Thus, the rise of equal opportunities and diversity management rationales are both identified during the Kinnock reforms, which means that the shift in where diversity management replaces equal opportunities is not witnessed in this study. However, to what extent it is possible to shift to diversity management rationales to explain geographical representation can be questioned in a political, multinational institution as the Commission.

Thus, to what extent does the contingency approach fits within this study of the Commission's staff policies? In terms of the power dimension, rationales are indeed identified in the beginning period, for example, regarding subjective negotiations between member states concerning the allocation of new member states' staff positions prior to enlargements. Due to the resignation of the Santer Commission in 1999, the Prodi Commission received the task from the member states to reform the Commission internally. In response to this resignation, a shift is witnessed in the Commission from using rationales of power to equal opportunities to explain the staff composition. The Prodi Commission wanted to reform the management and staff policies to improve the institution extensively. As such, power rationales could no longer be justified and the rise of equal opportunities and diversity management rationales is therefore witnessed during the Kinnock reforms. Based on the theoretical framework, the increase of equal opportunities rationales was expected to take place during the 1970s. In contrast to this expectation, the shift towards rationales of equal opportunities has been witnessed during the 1990s. Events that contributed to this shift concern the prospect of the 2004 enlargement and accusations of nepotism of the Santer Commission, which led to pressures from member states on the Commission to improve their institution by modifying the staff policies extensively.

Furthermore, the analysis shows that the shift from rationales of equal opportunities towards diversity management happens around the same time as the first shift, during the 1990s, which is in line with the contingency approach. The 2004 enlargement and the rise of diversity management literature, along with the NPM movement, are considered events which led to increased emphasis on diversity management rationales in the Commission's staff policies. In sum, the empirical data shows that the dimensions of equal opportunities and diversity management have appeared during the same period, which shows that they are rather used simultaneously by the Commission to explain geographical representation. An example which incorporates both the equality principle and the emphasis on performance, is the following statement by Kinnock: *"Merit must have primacy, whilst we strive to have senior managers of all EU nationalities in this multinational institution* (European Commission,

2002a). In other words, the 'quality' of the civil servants is key for the organisational performance, while equal opportunities also remains an important driver for the Commission to justify geographical representation towards the member states. Since Groeneveld & Van de Walle (2010, p. 251) argue that "diversity management presents itself as an a-moral and a-political approach to representative bureaucracy", which cannot be used "to guarantee equity, fairness and representativeness in public organisations", it is not remarkable that both rationales are used by the Commission to explain geographical representation. Thus, the Commission strives to achieve a representative bureaucracy by embracing both rationales to shape their staff policies. In the following chapter, the conclusion, the main findings, implications and limitations of this study are discussed.

## 5 Conclusion

In public administrations, representative bureaucracy literature entails the representation of society within the bureaucracy. Since representative bureaucracy literature traditionally focuses on nation-states, representation in international public administrations benefits from increased attention. To study representation on the international level, the European Commission is selected to examine. In this context, representation concerns nationality, since it is worthwhile to investigate representation among a staff that is composed of 28 nationalities. To study geographical representation, the contingency approach to representative bureaucracy by Groeneveld & Van de Walle (2010) is selected. In this theoretical framework, representation is examined through the dimensions of power, equal opportunities and diversity management. These dimensions demonstrate how different perspectives on representation can be used by public administrations to justify representation in their bureaucracy. As such, the main research question has been formulated as follows: Which rationales has the European Commission adopted to justify geographical representation in the staff policies? In addition to the research question, the question remains how the Commission's rationales behind representation have changed within the staff policy documents, affected by developments in the socio-demographic and political context in which the Commission operates. To answer these questions, the selected data consists of the Commission's staff policy documents. As such, official EU documents such as EU staff regulations, the Commission's press releases and diversity reports are examined to identify the Commission's rationales behind representation.

The first key finding of this study concerns the possibility to apply the contingency approach on the Commission, since all dimensions are identified within the staff policies. However, due to socio-demographic and political developments which impacted the Commission, such as demands from EU member states regarding the resignation of the Santer Commission during the 1990s, the results of this study differ from the timeline presented in the contingency approach. In addition, there is no shift witnessed from rationales of equal opportunities towards diversity management to explain representation, which is considered the second key finding of this study. Therefore, it would be worthwhile to increasingly apply the contingency approach theory on international administrations to compare the results of this study, in order to examine how the theory could be expanded to benefit representative bureaucracy studies of international bureaucracies. Besides these theoretical findings, the third key finding relates to the Commission's communication on representation. The staff policy documents show that the Prodi Commission's goal to increase transparency on the Commission's staff has resulted in the following finding. Since the Prodi Commission came into force, the Commission has communicated to actively strive to correct imbalances between underrepresentation of member



states among the staff by taking appropriate measures, for example, by making use of departures or retirements to increase geographical representation. However, since it remains forbidden to recruit staff based on nationality, it is interesting for future research to investigate how the Commission corrects these imbalances in practice. This finding shows that while the Commission uses the principle of merit to explain the staff composition, many additional questions have not been answered in this study. For example, when two candidates with equal merit apply for a staff position, of which one of the candidates has a nationality from a member state which is considered underrepresented. In this case, the staff policy documents imply that the Commission will then recruit the candidate from the underrepresented member state to increase geographical balance among the staff. Therefore, future research is regarded beneficial to increase our understandings of (under)representation in the Commission.

Another venue for future research is to examine the effect of Brexit on representation in the Commission. Since geographical representation has often received increased attention during enlargements, it is worthwhile to study how the departure of a member state impacts geographical (im)balances among the Commission's staff, since many staff positions will either disappear or become available. For example, will the Commission seize this opportunity to correct the underrepresentation of particular member states among the staff? Since there are no anticipated future EU enlargements after Croatia joined the EU in 2013, the question also remains how the lack of enlargements will affect geographical representation in the Commission in the long-term? For example, does the absence of enlargements lead to an increased emphasis from the Commission on diversity management rationales to explain representation in the upcoming decades? However, it is questionable whether a multinational and political institution as the Commission can shift towards diversity management rationales to explain representation. Therefore, it is key to continuously apply representative bureaucracy theory on international administrations to further explain these types of questions.

Moreover, the main limitation of this study is in line with former studies on representation in the Commission, in which limited data availability significantly impacts the results. In other words, the absence of appropriate data affects to what extent geographical representation through the contingency approach can be tested. Thus, future research with alternative or additional data collection methods, such as in-depth interviews, could increase our understandings of representation in the Commission, which will benefit the public administration literature by expanding representative bureaucracy theory on international organisations.

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