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COMPARATIVE ANALYSIS OF PUBLIC AGENCIES IN CROATIA AND SWEDEN

ABSTRACT: Although public agencies have existed for several decades, in Serbia, they are new forms of government bodies. The aspiration to modernize the public administration and harmonize it with modern trends can be an opportunity to see the stages of development and models of control and autonomy of the agency from the decades-long development of Swedish public agencies. The example of Croatia will show the potential of the former socialist state for such reforms and how important reforms are on the road to the European Union in the XXI century. Through the analysis of relevant literature and a comparative method, there are presented the reforms of public agencies being implemented in selected countries since their first appearance till nowadays. This paper focuses on the process of creation and development of public agencies in Sweden and Croatia, as members of the European Union, whose development of a public administration differs significantly, all in order to answer the questions: How much do public agencies contribute to decentralization? Are these bodies necessary for the approach and accession to the EU?

Key words: *public agencies, new public management, agencification, public administration reforms, public administration*

1. Introduction

Public administration, as a performer of administrative activities and public services, was created at the same time as the welfare state. This idea

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transformed the state government into a complex system for social regulation of social processes.

However, in the late 1970s, the welfare state fell into crisis. The administration became overburdened with demands, and the state intervened in too many fields. On the basis of neoliberal ideas, efforts have been made to limit the role of the state and administration. Among other things, the aim was to depoliticize public management and entrust a wider set of public functions to managers. In this way, a larger number of public organizations were created. These organizations are formally in an equal position headed by professional managers. Some tasks, which were traditionally performed by the state until the last quarter of the 20th century, became the responsibility of newly established bodies or even legal entities. These reforms, better known as the New Public Management (NPM) principles, have spread from the UK to the rest of the world.

Public agencies are being formed through public sector reform as an alternative to the traditional structure in which organizational units of ministries have performed executive tasks. With independence of traditional structural units, in order to more efficiently perform activities of general importance, "executive agencies" or "public agencies" are created. Agencies are defined as public organizations, which are legally subordinate to the Government, but structurally separated from the executive and enjoy significant political and managerial autonomy. State regulates relations between ministries and decentralized agencies, delegates powers to agencies and thus decentralizes power and gives them greater autonomy. Transfer of some jurisdictions by government, ministry or other institutions stems from the ideas of the NPM, with the aim of contributing to decentralization of administration. Pollitt defines agencies as a structurally disaggregated body, formally separate from the ministry / parent department, that performs permanent public tasks and is funded mainly from the government budget (Ahlbäck Öberg & Wockelberg, 2020, p. 4).

The term "agency" comes from the Anglo-Saxon area, while our (Serbian) terminology isbased primarily on Germanic names. In countries where English language is in use, this term refersto entities that perform administrative activities, which we would call administrative bodies (Milkov, 2014, p. 31). The tendency to create agencies and transfer state powers to (partially) bodies in English texts is denoted by the term "agencification". In our country, this term is uncritically accepted, so we are talking about "agency" (Milkov, 2014, 33–34). However, the transfer of jurisdictions to the so-called autonomous bodies is nothing new in political and legal theory. Professor Milkov (2014,

p. 34) therefore believes that the term "agency in the Serbian language sounds rude and should not be used for what some authors in English mean by that".

The "Next steps" initiative in the UK is often seen as a starting point for "agency fever" that has affected countries such as Canada, the Netherlands, Japan, New Zealand, Australia, Korea,Portugal, etc. Also, the European Union (EU) followed the trend of creating agencies. The Nordiccountries form small governments, and a large number of state affairs are performed by numerous agencies. Germany and Great Britain keep the model of a large state apparatus with a small numberof agencies. Small EU countries such as Slovakia, Slovenia and the Czech Republic cannot afforda large state apparatus, nor a larger number of independent bodies. However, not all small European countries are responsible, large coalition governments in Serbia, Croatia, Romania and Bulgaria coexist with a large number of agencies.

2. Public agencies in Sweden

2.1. Agencies in the Swedish administrative system

The Swedish administrative system is taken as a model for the creation of autonomous bodies – agencies and the highest degree of "agencification" among the Nordic countries, althoughthe reasons and logic for the establishment of public agencies are different compared to other countries. Emerge of public agencies is based on the principles of the rule of law with the aim of limiting the royal encroachment on the rights of citizens, unlike the emergence of agencies in the UK and other countries on the wave of New Public Management (NJM) (2004, p. 203).

Structurally separate and relatively independent bodies coexist with ministries and departments. Relatively small ministries and about 300 agencies coexist. Such a situation, of comparative functioning of ministries and agencies, has existed for two centuries and is based on historical circumstances and political understandings about the neutral status of the administration,the principle of separation of powers and maintaining state continuity (Ibid).

A unique feature of the civil service in Sweden is that government agencies report directly to the government (and not to ministries, as in other countries). Agencies must enforce laws and carry out activities envisaged by the Government. In addition to the general system of rules on financial management and the powers and obligations of agencies, the Government decides on the preconditions for the work of agencies. This is achieved on the one hand by directives and on the other by regulations. The directives

set out the goals the agency needs to achieve, how much money it has at its disposal and how to allocate the money. The regulations contain general administrative provisions concerning the way in which agencies should conduct their work.

2.2. Agency autonomy

In Sweden, almost all public services are provided by agencies that enjoy significant autonomy. Although the legal autonomy of agencies is constant, some authors predict changes instructural and financial autonomy.

Most of the activities of the central government, which are usually carried out in other countries by ministries in Sweden, are performed by a large number of semi-autonomous state agencies. These agencies have been described as "semi-autonomous", not only because they are organizationally separate from ministries, but also because the powers of ministers and the government to issue orders to such agencies are constitutionally limited. This restriction has two components: First, decisions should, with only a few exceptions, be taken by collective vote (ministers are prohibited from issuing orders to agencies under their jurisdiction). Second, in cases where the agency decides by law on the rights or obligations of an individual citizen or organization, no one, not even the Cabinet or Parliament, can influence the agency's decision (Jacobsson & Sundström 2005, pp. 8–9).

Management and operational autonomy taken over by ministries is subject to external control of results, by the government (Wynen & Verhoest, 2016, p.536). Swedish authors conclude that this paradox of autonomy implies a balance between managerial autonomy, on the one hand, and intervention autonomy, on the other (Ahlbäck Öberg & Wockelberg, 2020, p.5). The government has the ambition to actively control and manage the agencies. However, if an agency needs more autonomy, a board of directors is established to participate in the managementof the agency (Ahlbäck Öberg & Wockelberg, 2020, p.10).

A high level of organizational and political autonomy does not mean that the government does not have the instruments to manage state agencies. For a long time, contacts between politicians and agencies were considered delicate – agency managers were allowed not to inform ministers about their activities. However, during the 1960s and 1970s, when egalitarian values began to strengthen, this practice began to weaken. In the mid-1980s, parliament allowed informal contacts between officials and politicians in ministries and officials in agencies. Yet the idea that the influence and interference of

politicians in the work of agencies should be absent is still quite strong in Sweden (Jacobsson & Sundström 2005, p. 9).

2.3 Control mechanisms

NPM relies on measurement and accounting techniques which results in constant and detailed control of agencies. Otherwise, there is a chance that their actions will be contrary to thewishes of elected politicians: The government must, through the formulation of goals and requirements for results, specify what each agency should do and achieve over a period of time.

During the 1980s and 1990s, the State Audit Office and the Swedish Public AdministrationAgency worked very hard to implement control systems – just like other countries that developed into an "audit society". Today, agencies have their own goals, their own long-term plans, employment policies, etc.

If we want to know the level of autonomy of a public agency, and thus the level of government control, we must analyze the agency's power in making decisions on management and political issues and the extent to which the government can limit the use of these powers by structural, financial and legal means.

Verhoest defines two categories of autonomy that together offer a framework for studying the effects of control or autonomy: The first is managerial autonomy and policy-making autonomy, and the second category consists of managerial autonomy of legal, financial and interventionist autonomy (Verhoest 2004, cited in Ahlbäck Öberg & Wockelberg, 2020, p. 2).

Several relevant authors, such as Hood (1991), Osborne and Gaebler (1992), Smullen (2010), as the central claim of the New Doctrine of Public Administration see the view that publicsector organizations will be better and more efficient if managers gain a high level of autonomy inmanagement and operations decisions (Ahlbäck Öberg & Wockelberg, 2020). According to this logic, the autonomy of the agency is conditional, given that organizations have certain freedoms, provided that they take responsibility for achieving the previously agreed results in the most efficient and effective way (Ahlbäck Öberg & Wockelberg, 2020).

2.4. Reforms from its inception to the present day

Management was developed in Sweden in the early 1960s, when program budgeting was introduced. The first agencies were tasked with developing new management and accounting techniques. Public administration reforms initiated in the late 1970s represent public agency reforms, as most

administrative activity takes place in agencies and other decentralized structures(Pierre, 2004). This meant that during the 1980s, the adaptation and acceptance of NPM ideas and techniques went smoothly, as many NPM ideas and techniques already existed and were deeply institutionalized. The NPM tells us that politicians should focus on formulating general goals and leave to public officials to decide how to achieve those goals. Decisions on how to organize agencies, where to locate them, when to recruit, and how to coordinate are seen as a-political decisions. Consequently, these types of decisions were gradually delegated by government and ministries to agencies during the 1980s and 1990s (Jacobsson and Sundström, 2005, p.17).

Since the 1990s, agency reform has been characterized by structural separation from central departments and the delegation of greater autonomy. This reform activity has been synchronized with other public sector governance reforms. Contemporary ideas of public governance are based on assumptions about how to balance political control and bureaucratic autonomy (Ahlbäck Öberg& Wockelberg, 2020, p. 2).

In the first decade of the 21st century, the Government was unable to produce the policies that the reforms required. Instead, it became overwhelmed. A total of 24 management reforms have led to a situation where ministries receive a lot of information from agencies, and ministries rarely know what to do with the information – despite the fact that it is data they formally requested themselves. In an attempt to address this issue and ensure that information is properly analyzed and used in deciding on new targets, the government has expanded ministries. However, this only caused new management problems. It has become more difficult for ministers to oversee ministries and agencies. (Jacobsson & Sundström, 2005, pp. 23–24).

The three factors characteristic of the period during the 1970s and 1980s have weakened in recent years, due to internationalization, changed governance, and a greater media presence. Ways of control and management have become less soft, stronger management systems have been introduced, innovation and integrity have declined, and trust has disappeared. These changes are partly a consequence of world reforms. In recent years, European countries have become more internationalized and europeanized, to which EU engagement contributes the most. This is reflected in the increased amount of transnational ideas, contacts, regulations and organizational arrangements. Some scientists argue that these changes have had a limited impact on states and that the most important decisions continue to be made in political processes within states themselves. However, states today are less sovereign, less autonomous and less coherent, thanks to the processes of internationalization and

europeanization. In recent decades, the Swedish state has fitted deeply into the European and wider international context. Agencies and ministries in all policy areas and at all levels are under the influence of the EU. Certainly, there are areas that the EU affects more than others. It is obvious that European networks have become an important part of the daily work of Swedish civil servants. Sweden's membership in the EU (and other international organizations) meant that Swedish ministers were trying to formulate "what we want as Swedes" more systematically and more often than before: Swedish officials present such "points of view" to the European Union.

In a situation where agencies have their own goals, long-term plans, their own employment policies, etc. it has become natural for agencies to maximize results. This differs from the older view, according to which agencies should work together to solve problems. Managerial reforms express the idea that ministries must control the work of agencies. Reforms send a signal that agencies should only react if politicians delegate unambiguous tasks and clear goals to them, and if they know clearly how their planned activities will contribute to meeting the goals (Ibid).

3. Public agencies in Croatia

3.1. Agencies in Croatian administrative system

During period from 1992. to 2010. 78 agency-type organizations were founded in Croatia, and in 2010., as part of the rationalization, 15 such organizations were abolished (Musa & Koprić, 2011, p. 42). Agencies are, among other things, a consequence of the europeanization of Croatian public administration. The establishment of independent regulatory bodies was a requirement of the EU, so the number of agencies in Croatia increased during the period of fulfilling economic and political conditions that EU requested, first through the Stabilization and association Agreement (2001) and then through accession negotiations (2005-2011).

According to the entrusted competencies and status they enjoy, agencies in Croatia can be classified as: independent regulatory, executive, agencies for quality assurance and standards of non-economic services, agencies for regional and economic development, etc. They can also be classified as regulatory, executive and expert (Musa & Koprić, 2011).

Most agencies in Croatia were established in the field of economy (11), science and education, health, transport (9 each) and agriculture (8); 60% of agencies were established in economic departments, and 40% in non-economic

ones. These agencies are most often establishedaccording to the Law on Public Institutions (1976) (75%), while others are formed as *sui generis* legal entities (Koprić, 2013, p.13). The parliament appoints the Councils of regulatory agencies, and Management boardsof other agencies are also appointed by the Government. Agencies are obliged to report to the Parliament only if it is provided by law. In some cases, the government may invite agencies to report and it has ability to monitor legality of work, but it cannot influence regulations and decisions made by independent regulatory bodies.

In accordance with European and world trends, regulatory agencies are one of the main features of governance in Croatia. Since mid-1990s, regulatory bodies have been established in various areas for the purpose of regulating specific sectors, ie for smooth functioning of providingpublic services. (Musa, 2013, p. 118). They are established by a law regulating a certain activity (area of regulation) or by a special law, if regulatory agency is in charge of regulating several specific areas regulated by special laws.

There are two forms of control over the work of regulatory agencies. First form of controlis exercised by the Croatian Parliament, and second by the administrative judiciary. The limited number of forms of control is a direct consequence of desire for independence of regulatory agencies (Stančić, 2016, p.70).

Executive agencies, are participants in the implementation phase of public policy, they decide on the rights, status or granting of financial resources. Their tasks include a whole range oftasks, from performing public tasks through resolving individual cases, issuing certificates and licenses, keeping public registers, etc., financing programs and projects, operational tasks, etc. Such agencies have less autonomy, but also a higher level of control that should ensure the implementation of policies. This type of agency operates in both economic and social spheres, it'sorganized according to purpose or users, and their affairs are primarily executive-operational. Given that they perform public affairs on a wider scale and thus regulate social reality, these agencies are necessarily more controlled and are left with less space for autonomy (Musa, 2013, p.189).

Musa (2014) points out that some special forms can be singled out among executive agencies, such as supervisory agencies, operational agencies and development agencies.

The role of *supervisory agencies* is to ensure implementation of regulations on basis of professional and technical knowledge by issuing certificates or licenses. They are formed mainly in economic sphere and are close to the regulatory type of agencies, due to the public authorities they perform

(supervision, sanction by denial of approval), but also to the expert type of agencies, because they are based on highly professional knowledge.

Operational agencies decide on rights and obligations through administrative proceedings, enter into contracts, etc., and their tasks are indirectly expert.

Development agencies have the role of financing programs and projects in a certainsegment in order to encourage the development of activities or industries, but they also monitorusers, provide professional assistance and information, and operate in economic and social spheres.

Expert agencies are established according to the type of work, which is mostly professional-analytical, mainly in the social sphere. They include agencies that have a role inpreparation and implementation of public policy based on their professional capacity. Their main functions are performing and developing professional activities, making standards, proposing public policies, etc. Among them are those who represent monitoring centers, information centers, coordination agencies. These agencies perform public affairs, sometimes resolving individual cases, keeping registers, and are mostly established in the form of public institutions. Such agencies need a higher level of autonomy, but also a lower level of control, mainly because the highly professional nature of their work requires independence and does not tolerate political interference (Musa, 2014, pp.189–190).

3.2. Autonomy and accountability of agencies

The founder of the agency is the Republic of Croatia. All agencies have freedom to organize and manage their resources and are not subject to internal employment regulations relating to public administration.

Personal autonomy is characterized because of its freedom to employ and manage humanresources within the agency (including salaries). The purpose is to enable agency to accomplish tasks for which it was established. Most regulatory agencies have freedom to hire and determine salaries of employees and in most cases are subject to regulations on salaries in public services, but there are agencies in which the Law on Salaries in Public Services does not apply to employees(2001). System of salaries of employeesin agencies is more flexible than in state administration bodies, in which status of employees is regulated by the Law on Civil Servants and State Employees (2001). Given that salaries of employees in agencies arehigher than salaries of employees in the civil service, performing work in agencies increases levelof costs for performing work of the same complexity (Musa, 2017, p. 57).

Financial independence refers to need to provide adequate resources for work, these resources do not depend on political or other institutions. Agency has resourses to ensure its functioning and realization of its tasks. Independence is based on several elements – source of funding, autonomy in the disposal of surplus income, and in case of own funds it has freedom to determine price of services.

Depending on whether the agencies are financed from state budget or from their own funds,their level of independence will also depend (the highest level of independence from political influence are having agencies that have their own sources of income). At the same time, agencieswith their own income are subjects of the market, which means that any market crisis can affect agency. Lowest level of non-independence refers to case when agency has funds for work providedin the state budget, but these funds are within the funds of the relevant ministry (Musa, 2013, pp.126–127).

Political independence of the agency refers to protection of agencies from political interference and possibility for agencies to act as an independent legal entity within the given legalframework, performing its tasks and fulfilling its own purpose. In that sense, parts of political independence refer to legal regulation of status, tasks and independent decision – making, and participation in creation of public policies, or, in other words, to legal, political and policy autonomy (Musa, 2013, p. 129).

Management independence is reflected in forms of management structure: mixed (with individual leader and collegial body), collegial (in agencies that have only a collegial body (council), with or without a special position of president), individual leadership of the agency (leader as executive director) (Musa, 2014, p. 191).

Political model occurs in more than half of the agencies, and political appointments are based on different criteria depending on whether members are appointed by function (eg ministers,chairmen of parliamentary committees and other state bodies), whether they represent certain stateadministration bodies or experts (Ibid). In the participatory model, members of collegial body are representatives of experts, usually appointed by the government (or minister), at suggestion of stakeholders, mainly in the field of education, science and health. In agencies of the professional management model, the management structure includes only the council, with the president actingas the head of the agency. Such a structure should ensure political independence and expertise. Conditions for appointment are prescribed by law and, in addition to formal education, require expertise, work experience and professional relevance in a field (Ibid).

3.3. Stages of agency development

According to Professor Anamarija Musa (2014), it is possible to distinguish four periods of agency development in Croatia:

- The first period includes agencies established before independence, these are agenciesinherited from the previous system,
- The second period includes agencies established during the post-socialist transition (1990-1999).
- The third period includes agencies created after 2000. – more than two thirds of all agencies. Since 2005. 43% of all agencies have been established. This data is an indication that intensive establishment of public agencies took place in parallel with the negotiations on Croatia's accessionto the EU, due to the need for institutional adjustment to the European governance system. An indicator of European pressures for creating agencies is obligation of candidate to establish agencies or reorganize existing organizations into agencies. Over 56% of agencies (42) were subject to preparatory activities for accessing EU. Of that number, 26 agencies (35% of all agencies) were established to meet the criteria for EU membership, while 16 agencies are mentioned in the context of the need to strengthen administrative capacity, expand scope of activities or change internal structure (Musa, 2014, p. 186).

Establishment or restructuring of agencies is formal obligation of candidate countries for membership and fulfillment of conditionsfor EU accession, which indicates effects of model of external incentives in the institutionalizationof agencies. In addition, Europeanization takes place through conditionality, because the closing of negotiation chapters depends on fulfillment of obligations (Staničić, 2016, p. 70).

A newer phase in the processes related to public agencies was marked by a turn from administrative decentralization to centralization, i.e., a decrease in number of agencies. Agencies in Croatia have been criticized for contributing to the non-transparency of administrative system,and are perceived by the public as organizations that spend public money without control and employ according to unclear criteria, while providing poor performance (Musa, 2014, p. 193).

New agencies are mainly established for jobs in field of economy and finance, which shows influence of non-managerial spirit, but also acceptance of agencies as a legitimate form for achieving goals of efficiency and

effectiveness. The last phase led to a reduction in the total number of agencies, their enlargement, but also the establishment of new agencies for new jobs (Musa, 2013, p. 194). These data show that process of establishing agencies is not constant and unstoppable, but that it is reversible under certain conditions. These conditions are most often economic or administrative in nature, but also depend on political assessments, which is why administrative decentralization can potentially turn into its opposite.

4. Conclusion

Taking into account that several European countries are candidates for EU membership, we analyzed the models of public agencies of two EU member states. In this paper, we have shown that intensive establishment of agencies in Croatia took place in parallel with negotiations on EU accession, due to the need for institutional adjustment to the European governance system. An indicator of European pressures in this field is obligation of candidate country to establish agencies or reorganize existing organizations into agencies. From this we conclude that the establishment of agencies is a necessary step in the reorganization of the administration in order to comply with EU rules.

The view that the establishment of agencies is a way to strengthen administration and reduce regulation, proved to be complete opposite. Insufficiently and selectively implemented elements of the NPM in combination with large European administration have blurred the essential function of public agencies and turned these bodies into non-transparent, insufficiently controlled and "far away" from citizens. Their autonomy, although dependent on chosen model of management and financing, makes them decentralized from administrative system. When we take into account accession of countries to the European administrative space and expansion of the administration due to the growth of the EU administrative apparatus, we get institutions whose purpose is obscured. With the aspirations to join the EU, public agencies are multiplying, and their accelerated development (autonomy) does not follow the development of transparency and accountability, but turns into its opposite.

The European administrative space gives us a framework for what the administrative system should be, in organizational and functional terms, in order to fulfill the tasks imposed by European standards (Lilić & Golubović, 2011, p. 63). It is the result of the practical needs of future member states because it offers framework guidelines that states should follow in order to enable to their administrations and administrative capacities future work with the administration of the European Union, but also with the administrations

of other member states. The establishment of these bodies, especially in developing countries, which aspire to EU accession, and thus to the European administrative space, is a process that needs to be revised, as it is constantly revised in Sweden. It is important not to burden the administration with a multitude of agencies, without a real purpose, just for the sake of a negotiating position, and at the same time it is necessary to assess which public agencies are expedient. In that assessment, it is important to rely on the experiences of countries like Sweden, but the most important thing is to assess the real strength of its public administration and its staff.

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KOMPARATIVNA ANALIZA JAVNIH AGENCIJA U HRVATSKOJ I ŠVEDSKOJ

REZIME: Javne agencije, iako postoje nekoliko decenija, u Srbiji su tela novijeg datuma. Težnja da se javna uprava modernizuje i uskladi sa savremenim tokovima, može biti prilika da se iz višedecenijskog razvoja javnih agencija Švedske uoče faze razvoja i modeli kontrole i autonomije agencija. Primer Hrvatske pokazaće kakav je potencijal bivše socijalističke države za ovakvim reformama i koliko su one važne na putu ka Evropskoj uniji u XXI veku. Kroz analizu relevantne literature, koristeći se komparativnom metodom obrazložene su reforme koje su sprovedene u odabranim državama od nastanka javnih agencija do danas. Rad se fokusira na procese nastanka i razvoja javnih agencija u Švedskoj i Hrvatskoj, kao članicama Evropske unije, čiji se razvoj javne uprave bitno razlikuje, a sve u cilju odgovora na pitanja: Koliko javne agencije doprinose decentralizaciji uprave? Da li su ova tela nužna za približavanje i pristup EU?

Ključne reči: *javne agencije, novi javni menadžment, agencifikacija, reforme javne uprave, javna uprava*

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