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THE CONCEPT OF EUROPEAN ADMINISTRATIVE SPACE AND ITS IMPLEMENTATION IN EUROPEAN COUNTRIES

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ABSTRACT
Appealing to public authorities about any legal conflict leads to an overload of courts and The interaction of legal systems at the interstate level in the framework of the activities of international organizations of integration leads to the emergence of a common legal space that regulates various aspects of the life of the subjects of interstate relations. The modern understanding of European principles of administrative law, which are in fact European standards of administrative law, was formed under the influence of the implementation of administrative systems, which became the dominant of their evolutionary movement. The purpose of the article is to clarify the meaning of the concept of European administrative space, to determine the principles of the European administrative space, its conditions and implementation mechanism. A set of modern general scientific methods and approaches was used to realize the goals and objectives of the study, namely: system approach, system analysis, historical, comparative, decomposition method, induction, deduction and analogy. This study analyzes the concepts and principles of the European administrative space. The factors and conditions of implementation of the European administrative space are investigated and the implementation of European principles of administrative management on the example of Poland is analyzed. The practical significance of the obtained results is confirmed by the fact that the theoretical provisions, conclusions, proposals and recommendations presented in the work will contribute to the improvement of administrative principles, rules, procedures and regulations. They can be used, in particular, in the research field as a theoretical basis for solving existing problems, in lawmaking - in the preparation of proposals for draft regulations relating to this area. The choice of research methods is determined by the purpose and features of the object of knowledge.

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Keywords: European administrative space; European governance; European principles of administrative law; public administration; European administrative law; principles of European administrative law.

1 INTRODUCTION

Guidelines for building a democratic state, vectors of civil society development, diverse reform processes affect various principles: principles of law (including administrative), principles of the rule of law, principles of various law enforcement activities, and so on. At present, modern administrative law is at the stage of profound transformation, this process of change and transformation is quite complex, accompanied by constant obstacles and difficulties, including mental and philosophical content. Such complications are mainly related to the perception of administrative law (as a science, as a discipline, as a branch of law) by scholars and legal practitioners, including representatives of public administration. In particular, if we look at the columns of administrative and legal literature, an example of new trends, most of which are borrowed from the experience and legislation of the Member States of the European Union (EU), is the expansion of terminology due to the European administrative legal space.

Under the influence of the processes of European integration and Europeanization, a new quality is formed - the environment, the foundation, the favorable circumstances necessary for intensive cooperation of all participants in the European integration process, as well as for their deepening and expansion. In European integration discourse, such an environment is known as "space" (area, space). At present, the concepts of the European Economic Space, the European Legal Space, the European Higher Education Area, the European Research Area, and the European Administrative Space, to which this article is devoted, are sufficiently developed. For example, the European legal space is a legal environment in which the norms of EU law and international European law operate, as well as national norms, if they do not contradict EU law. Recognition and observance of these norms by all participants in the European integration processes creates common "rules of the game" for individuals and legal entities, private and public institutions, national

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and foreign producers and investors; provides legal certainty, provides a guarantee of protection of rights and equal treatment; facilitates economic cooperation, doing business, resolving conflicts in case of their occurrence, etc.

The creation of the European Administrative Area aims to introduce framework administrative cooperation between the Member States of the European Union on the basis of mutual assistance, ensuring openness and transparency of public administration bodies of the European Union, compliance with the principles of proportionality and confidentiality. The general purpose of the European legal space is to ensure the convergence of national legal systems of the Member States of the European Union in order to develop and implement common standards for public administration, ensuring and protecting human rights and freedoms, public and private interests.

The European administrative space as a component of the European legal space is a unique form of embodiment of those unconditional ideals of state building, which have been achieved by Western European civilization. The concept of "European legal space" is widely used in official documents of European regional intergovernmental organizations on the processes of legal integration on the continent, which provides for the convergence of national legal systems of European countries. The general purpose of the European legal space is to ensure the convergence of national legal systems of the Member States of the European Union in order to develop and implement common standards for public administration, ensuring and protecting human rights and freedoms, public and private interests. Implementation of the standards of the European administrative space is impossible without the implementation of forms of international and interstate cooperation, which is implemented through the signing of relevant international documents, treaties and programs. The intensification of European integration processes contributes to the expansion of the European administrative space, which results in the realization of universal democratic values in a larger territory.

Many scientific works, including such scholars as M.O. Demidova (2019), M. Egeberg (2017), J. Trondal (2017), R. Gontiazh (2015), J. Kaucic (2021), S. Christophe (2021), V.A. Omelyanenko (2018), O. Orgel (2020) are devoted to the issues of aspects

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of practical application of ECtHR decisions in law enforcement practice. The purpose of the article is to clarify the meaning of the concept of European administrative space, to determine the principles of the European administrative space, its conditions and implementation mechanism. A set of modern general scientific methods and approaches was used to realize the goals and objectives of the study, namely: system approach, system analysis, historical, comparative, decomposition method, induction, deduction and analogy. This study analyzes the concepts and principles of the European administrative space. The factors and conditions of implementation of the European administrative space are investigated and the implementation of European principles of administrative management on the example of Poland is analyzed.

2 MATERIALS AND METHODS

The choice of research methods is determined by the purpose and features of the object of knowledge. To achieve the goals and objectives of the study, a set of modern general scientific methods and approaches was used, namely: system approach and system analysis - is a sequence of actions to establish structural relationships between variables or elements of the studied system. It is based on a set of general scientific, experimental, natural, statistical, methods. This method was used to study conceptual approaches to the process of implementation and enforcement of the European administrative space. Historical method - based on the study of the origin, formation and development of objects in chronological order. Through the use of the historical method, an in-depth understanding of the essence of the problem is achieved and it is possible to formulate more sound recommendations for a new object. The historical method can be used in the study of various phenomena and objects of nature, social life, science, technology and more. It was used to analyze literary and documentary sources in historical retrospect, to study the level of development of the problem of development of the research topic.

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Comparative analysis is a general scientific method of searching for and identifying similarities/differences of the same type of properties (signs, changes, development trends) of the studied objects on the basis of collected statistical data or empirical studies. Comparative analysis is used to study objects and systems of different nature - organic, social, technical, symbolic, etc. Used to compare different models of Europeanization of national institutional systems. Structural and functional - Comparative analysis is used to study objects and systems of different nature - organic, social, technical, symbolic, etc. It served to reveal the nature and peculiarities of the functioning of the European administrative space. Content analysis - studies the subject, imaginatively or realistically dividing it into constituent elements, such as parts of the object, its features, properties, relations, then considers each of the selected elements separately within a single whole.

Used to study the regulatory framework of the European Union. Dialectical and complex analysis and method of systematization - to study the factors of creation of the European administrative creation; general methods of analysis and synthesis - induction, deduction, analogy, composition. Decomposition method - uses the structure of the problem and allows you to replace the solution of one large problem with a series of smaller problems, albeit interconnected, but simpler. Decomposition, as a process of separation, allows us to consider any system under study as a complex, consisting of separate interconnected subsystems, which, in turn, can also be divided into parts. Not only material objects, but also processes, phenomena and concepts can act as systems. Used in the study of the subject of study.

A number of articles related to the research topic were also analysed, such as "European principles of independent governance as a factor in the possible legalization of the legal status of public administration entities in Ukraine" (Demidova, 2019), "Researching European Union agencies: What have we learnt" (Egeberg & Trondal, 2017), "Public administration in the context of European integration" (Gontiazh, 2015), "Mapping the cross-border cooperation galaxy: an exploration of scalar arrangements in Europe" (Kaucic & Christophe, 2021), "Filling the gap in the European administrative space: the role of administrative networks in EU implementation and enforcement"

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(Mastenbroek & Martinsen, 2018), Archetypical analysis of the innovation development resources of European public administrative space (Omelyanenko, 2018), "Factors in the formation of the European administrative space" (Omelyanenko, 2018), "European administrative space: principles and principles" (Pilipchuk, 2016), "Organizational Readiness for Co-Creation of Public Services in the Central and Eastern European Administrative Tradition: Development of the Conceptual Multi-Attribute Decision" (Pluchinotta et al., 2021), "Three decades, four phases: Public administration development in Central and Eastern Europe" (Randma-Liiv & Drechsler 2019), "Conceptualizing the European multilevel administrative order: Capturing variation in the European administrative system" (Trondal & Bauer, 2017), "Convergence in administrative implementation styles in the European Union?" (Wiering & Havinga, 2021).

3 RESULTS

The concept of the European administrative space is a borrowing from the broader concepts of the European economic and social space, which were actively discussed during the negotiations on the constitutional order of the European Union (EU). This concept also applies to pan-European cooperation in the field of justice. The European Administrative Space is an environment shaped by EU policies and norms that provide for the active role of national governments, within which Member States' governing bodies are called upon to ensure a uniform level of quality and efficiency of administrative services in order to ensure equal rights and freedom of enterprise in the EU. In other words, a common administrative space is possible only if the administrative principles, rules, procedures and provisions are equally applied in a certain territory within the national constitution (Petrushenko, 2021).

In other words, a common administrative space is possible only if the administrative principles, rules, procedures and provisions are equally applied in a certain territory within the national constitution. Traditionally, administrative law extended only to the territory of

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a sovereign state, so the issue of common administrative law for all EU member states is quite controversial and remains unresolved to this day.

It is clear that neither the Treaty of Rome (European Parliament, 1957) nor the Maastricht Treaty (European Parliament, 1992) offer a model of public administration that could be implemented in the Member States. The existence of a modern political democracy is a mandatory requirement for EU Member States and candidate countries, but once the democratic nature of a particular Member State's political regime is demonstrated, it can decide on public administration and administration at its own discretion. Thus, from a formal and legal point of view, EU member states generally have administrative autonomy.

The absence of a formal body to regulate the system of public administration, its procedural rules and institutional structures does not mean that European supranational administrative law does not exist or that it is unknown to the Member States. There is a common acquis consisting of the principles of administrative law, which can only be referred to as an "informal acquis communautaire", as there is no formal agreement or signed agreement. However, it can be considered as a common European administrative law.

The acquis communautaire (translated as "acquisitions" or "achievements of the European Communities") is a set of legislation, policy documents and practices that apply at any given time in the European Union. The acquis is at the heart of the European integration process, as it obliges Member States to implement all previous and subsequent joint measures and acts. Despite the fact that each EU state had and has unlimited freedom in the ways and measures to achieve the results provided by the treaties and secondary EU legislation, over time, common approaches and principles began to be formed among EU member states. This phenomenon can be observed in the field of administrative law. However, these processes are less obvious in the administrative and organizational principles and structure of public administration, as there are a large number of forms of governance and decentralization of EU member states (Gontiazh, 2015).

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Thus, the legislative activity of European structures is the main source of common real European law, on which the EU member states, their systems of government, courts and citizens are based. Real administrative law is usually sectoral in nature and influences public policy (eg, policy on freedom of competition, telecommunications, environment, agriculture, research, border control, industrial policy, etc.). It is this real administrative law that constitutes the acquis communautaire, and it is the focus of the European Commission when assessing and verifying the compatibility and compatibility of this right with the relevant domestic law of the candidate countries.

Another source of continuous convergence of administrative systems is the ongoing cooperation between officials of the EU Member States, as well as between Member States and the European Commission. Intergovernmental relations, supported mainly by people, promote and accelerate a common understanding of how to implement EU policy and establish EU regulatory mechanisms at the national level, and help to share best practices in achieving the results of these policies. Cooperation and exchange strengthen informal partnerships and gradually create conditions that force partners to agree on approaches to achieving common standards of national governance and thus ensure that their supranational commitments and policy outcomes under EU treaties and secondary legislation are met. Intergovernmental relations help to disseminate, understand and implement common principles of governance and forms of management, which, in turn, contributes to the creation of a common model of the ideal civil servant and his behavior in the European Union (Kogut at. all, 2021).

However, the EU Court of Justice plays a leading role in shaping the principles of administrative law in the European Union. While secondary EU legislation is almost exclusively sectoral in nature, judgments of the Court of Justice develop the principles of administrative law in such a way that they become more general, even when these processes take place on the basis of precedent. In fact, the jurisdiction of the Court of Justice is the main source of general (as opposed to sectoral) administrative law of the European Union. Most of the principles of European administrative law that make up the common European administrative law have been developed by the Court of Justice, which

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is quite natural given the fragmentary nature of written European administrative law. As the treaties provide a conceptual framework for further development, a large number of issues should be regulated by secondary legislation of the European Commission (directives and regulations), covering mainly sectoral policies, as well as decisions (precedents) of the Court of Justice.

Depending on how countries apply the principles of administrative law, one can judge the degree of coherence of their administrative systems. In other words, on the one hand, the principles can also be seen as prerequisites for integration, and on the other - as indicators of the readiness of public administration of specific states to implement a formal acquis communautaire. Along with the current legislation and normatively defined procedures, the civil service is one of the main elements of public administration. The behavior of civil servants is formed on the basis of the principles of administrative law, which become mandatory and decisive (Demidova, 2019).

The current administrative law and normative-procedural legislation, based on national constitutions and European administrative law, create the organizational and legal basis for the activities of public authorities and the conduct of civil servants in the EU countries. At the same time, the above elements, the legal system, the behavior of officials in the public sector of European society affect the formation and design of a common European administrative space. Those who use this space should be aware of a set of principles that can sometimes be found in official regulations and codes, and which are ethically and legally binding, and which affect all levels and structures of government.

These principles are precisely what we call the informal acquis communautaire, which contributes to the creation and strengthening of the European administrative space and the Europeanisation of the systems of public administration and administrative law of the EU member states. The European administrative space was formed with its own traditions, which, although based on the typical administrative traditions of the Union, but surpassed them. The key characteristics of this space are administrative reliability, which is necessary to guarantee the rule of law, and the effective implementation of economic development and European policy.

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Administrative principles are not just ideas based on the good will of managers. They are contained in organizational structures and administrative procedures at all levels of government. Public (public) sector entities are obliged to adhere to these legal principles, which are ensured by independent control bodies, justice systems, the judiciary and parliamentary oversight, as well as by providing opportunities for hearings and compensation to both individuals and legal entitiec (Center for retraining and raising the qualification of public authorities, 2021).

Instead of clearly defined norms, there is a set of criteria for administrative procedures and civil service, which must be followed by public authorities in order to meet the values of a democratic society. These criteria are the essence of the European Administrative Space, the principles of which must be implemented by each EU Member State. As noted earlier, EU law determines only the end results of national public bodies and the principles they must follow to achieve their goals. Therefore, the European administrative space is not really created by directly implementing certain rules of administrative law in each national administration, but by consistent application of performance criteria by both the control and audit bodies of the European Commission and their application in the Court of Justice. The decisions of the Court provide a real basis for the transformation of national public administration systems and the ways in which they function (Pluchinotta et al., 2021).

The European administrative space is built on the following principles: reliability and predictability (legal certainty); openness and transparency; responsibility; efficiency and effectiveness. There are several principles and mechanisms of administrative law, which are aimed at ensuring the reliability and predictability (also used the concepts of legal certainty or legal certainty) of administrative actions and management decisions. All these principles are aimed at eradicating arbitrariness in public affairs. The rule of law is a multilateral mechanism for ensuring reliability and predictability, based on the principle of "governance according to the law". The essence of the rule of law is that public authorities must exercise their functions and powers in accordance with applicable law. Public authorities must make decisions in accordance with general rules and principles

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and with impartiality in relation to anyone who falls within their sphere of competence. Particular emphasis should be placed on the neutrality and generality of such an approach (principle of non-discrimination). Public authorities shall take decisions in accordance with approved procedures, as well as in accordance with interpretations made in judicial practice, without taking into account any other factors. The rule of law opposes arbitrariness (bias), ie the use of power in their own interests, nepotism and other deviations. The rule of law requires a clear hierarchy of rules of law applied by independent courts, and provides that public authorities are not empowered to act contrary to general rules approved and promulgated by a special regulatory decision (Kaucic & Christophe, 2021).

Another principle that contributes to the introduction of the principle of reliability and predictability is the legal principle of proportionality (expediency and conformity). It means that according to the law, administrative actions must be proportionately demanding, ie they cannot demand more from citizens than is necessary to achieve the goal. One of the principles in support of "governance under the law" is the principle of procedural fairness. According to this principle, procedures must ensure the correct and impartial application of the law and pay attention to public values, such as respect for the person and the protection of his or her honor and dignity. A concrete application of the principle of procedural justice is the rule of law, according to which the rights and interests of no person can be violated without acquainting him with the facts and problems that caused certain actions, and without taking into account the opinion of this person under existing procedure (Mastenbroek & Martinsen, 2018).

The next principle is the timeliness of the administration. Delays (slowdowns) in the decision-making of public authorities and the implementation of certain actions by them may cause frustration, mistrust or harm both public and personal interests. Delays can be caused by lack of resources or lack of political will. But quite often they are caused by inefficiency and incompetence (low qualification) of civil servants. The rule of law can help to solve this problem by clearly defining the time limits within which the tasks must be performed. On the one hand, the selection of civil servants for work on the basis of their

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professional qualities and merits, and on the other - the constant improvement of their skills, will help reduce incompetence and ensure the reliability of management. Professionalism and professional integrity of the civil service serve as a basis for ensuring the principles of reliability and predictability of public administration. The professional integrity of civil servants is based on the concepts of impartiality (lack of bias) and professional independence. In the field of public administration, bias means the presence in the assessment of the situation of a tendency to make a decision that causes unjustified and unfair (Gontiazh, 2015).

The subjects of state (public) administration are obliged to adhere to the legal principles provided by independent control bodies, justice systems, the judiciary and parliamentary oversight. In the field of European law, the Court of Justice, based on the general legal principles of administrative law common to the Member States, has identified a significant number of principles of administrative law. The list includes: principle of legality, principle of non-discrimination, principle of cancellation of illegal administrative act, principle of legal certainty, right to protection, principle of proportionality, principle of respect for fundamental human and civil rights, principle of subsidiarity, principle of good governance, principle of transparency, principle of application. On their basis the modern principles of the European administrative space were formed (Pilipchuk, 2016).

Some generalizations of the work around the European Administrative Space took place during the conference "European Administrative Space: Governance in Diversity", organized by the European Group on Public Administration (EGPA) in September 2002; the conference "Moving towards the European Administrative Space", held in London on November 16-18, 2006; during other annual conferences of the European Group on Public Administration; the conference "Public Administration Reform and European Integration", held with the participation of the OECD, the SIGMA program and the European Commission on March 26-27, 2009 in Montenegro; as well as in special studies and publications in print and online sources. Today, given the results of the discussions, the European Administrative Space can be imagined as a network of vertically and horizontally integrated power structures, which are characterized by territorial proximity

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and functional similarity. The European administrative space is characterized by multilevel (consists of supranational, national, regional, local and personal levels); heterogeneity (heterogeneity) of the structures that make it up (legislative, executive, judicial branches of government, public and local governments, public and private sector structures, civil society and the media; policy (European Council, European Commission, Council of the EU, Member State during the presidency).

Within the European administrative space, new forms of cooperation in the administrative sphere between supranational and national structures, as well as forms of intergovernmental/intergovernmental cooperation are emerging, and administrative standards are being formed and evolved in the field of management and intergovernmental / intergovernmental cooperation. The driving force behind the creation of the European administrative space were several factors: the rule-making activities of the European Union. Primary and secondary EU legislation must be implemented and complied with by the Member States. Certain articles of the founding treaties, while not affecting the sovereign rights of Member States to organize national public administration systems, lay down certain fundamental principles that must be observed by all Member States, including politicians, government officials, ordinary citizens, etc.; or require Member States to behave in a certain way, to have a certain attitude towards the EU, other Member States, nationals of their own country or other EU citizens. For example, Art. 2 of the Treaty on European Union proclaims human dignity, freedom, democracy, equality, the rule of law and respect for human rights as common values of the EU, adding to them pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men. St. Article 4 of this Treaty obliges the Member States to take "all measures, general or specific, to ensure fulfillment of the obligations arising out of the Treaties or in the acts of the institutions of the Union". Thus, the primary EU legislation forms a platform for public administration and formulates the basic (constitutional) principles that determine the relationship between the state and the citizen (Karadjoski at. all, 2019).

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The activity of the Court of Justice of the EU is another factor in the creation of the European Administrative Space. It is the Court of Justice that has a crucial role to play in defining the principles of EU law, in particular the rule of EU law over national law, direct effect and direct application, and the principles of European administrative law, namely: governance according to law; principles of legal predictability, judicial protection, including the right to be heard in administrative proceedings and protection of legitimate expectations; the right to an effective system of public administration capable of effectively implementing EU legislation; validity and expediency of administrative decisions; the possibility of suspension or cancellation of an illegal administrative decision or unjustified measures; responsibility of the state for illegal administrative actions. Although the cases before the Court concerned mainly substantive sectoral law, the Court of Justice assumed responsibility for interpreting the conduct of the State, which resulted in the definition of rules and principles of administrative procedure and the establishment of European administrative law: "The European administrative space was largely formed through the mechanisms of case law ". Thus, the case law of the Court of Justice of the EU has become a source of formation of the European administrative space, in particular the development of general principles of EU law and the principles of administrative law (Omelyanenko, 2018).

The conscious search for the newest, more effective forms of governance and governance has become another factor in the formation of the European administrative space. In fact, this factor combines several factors that forced the EU and Member States to explore more effective forms of governance and governance: intensification of cooperation between Member States and the EU, finding an adequate response to the pressures of European integration processes Member States to pay more attention to governance, cooperation and coordination, cooperation between national administrations and supranational bodies of the EU, encourage the exchange of experience, borrowing within the EU and beyond the most effective management tools, conducting joint research (Kopric & Kovac, 2017).

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An important impetus for the generalization of rules, norms, standards of management practice was the enlargement of the EU to the East, accompanied by an intensive search for a new paradigm for European governance that can ensure the effectiveness of management decision-making throughout the EU. In the process of preparing candidate countries from Central and Eastern Europe for EU membership, membership requirements are formulated in the form of the Copenhagen and Madrid criteria; The EU has launched and successfully implemented several technical assistance programs aimed at institutional development and administrative capacity building, the most famous of which are SIGMA, PHARE, ISPA, SAPARD. The developments under the SIGMA program, known as the "SIGMA Core Indicators", have been recognized by the European Commission as a formal working tool for assessing the state of preparation of the administrative systems of candidate countries for accession to the EU (Trondal & Bauer, 2017).

Increasing governance requirements, increasing pressure on Member State governments and EU supranational bodies to improve governance are increasing as globalization spreads and global competition increases. The EU is taking special measures to increase its competitiveness in the context of globalization: for example, the adoption of the Lisbon Strategy and the Europe 2020 Strategy, the Lifelong Learning Program, innovation policy and others. The implementation of strategies, policies, programs is ensured jointly by supranational bodies of the EU and Member States. Unable to enforce decisions, Member States slow down European integration processes, hamper the development of the EU as a whole, reduce its competitiveness on the world stage and slow down the development of all Member States. Hence the EU's attention to the management efficiency of national administrations, as the fate of the strategies and policies adopted in Brussels depends on their institutional capacity (Orgel, 2020).

The formation of a certain ideal model of administration in the EU was associated with the integration processes and the enlargement of the European Union to the East at the expense of the new member states. Formed in 1995 by the European Council, the Madrid Criterion provides for the existence of stable and effective democratic institutions,

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based on the interaction of state executive bodies, local self-government bodies and civil society. In particular, it is a system of executive bodies capable of enforcing the obligations of the state in such a way as to benefit its citizens; local authorities (local governments) close to the citizens; developed civil society. To this end, the candidate countries needed certain guidelines for administrative reform, which became the European Administrative Space, which summarized the best traditions and experience of governance in the EU (Demidova, 2019).

The Europeanisation of national legal systems and public authorities is carried out in various ways, only a few of which involve the direct impact of legal acts adopted at EU level. We propose to distinguish three models of Europeanization of national institutional systems. The first is the mechanism of institutional adjustment: the EU, implementing its policy, outlines specific institutional requirements to which each member state of the European Union must adapt; The EU sets the institutional model in this area. The second is the mechanism of changing the national structure of chances and opportunities: EU law causes changes in the distribution of resources and powers between national "actors", which in turn disrupts the existing institutional balance and forces the transformation of the system of institutions.

The third is the mechanism of changing the beliefs and expectations of public actors: it is in fact the "weakest" mechanism, as European policy does not dictate specific institutional decisions, nor does it force a change in the institutional basis of strategic interaction, but leads to a transformation of the institutional system. to certain aspects of reality. This mechanism is based on the logic of cognition. A combination of the above three mechanisms can be found in any area of European policy. However, there is a tendency to link certain mechanisms to certain policies of the European Union. Therefore, the immediacy of institutional influence is the dominant feature of new EU policies aimed at limiting or eliminating the negative internal effects of market activities: environmental protection, health and safety, consumer protection, some aspects of social policy. In these areas, EU policies aim to replace local, domestic institutional solutions with unified EU models.

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4 DISCUSSION

The emergence of such a factor as European integration has significantly affected the reform of Central and Eastern Europe, in particular Poland, the essence of which can be characterized by the following statement: the intention to integrate into the EU has identified external, objective, and non-negotiable criteria and standards the functioning of the public administration system in countries that have announced such an intention. All these countries have chosen a certain model of public administration. This model is not described as one simple structural and functional scheme. However, the analysis of norms, procedures, standards and principles that make up this model allows us to clearly distinguish what is "European" from everything else. Bringing the public administration up to the standards that are mandatory for EU member states was a necessary element in the implementation of Poland's European integration policy.

The Copenhagen criteria for EU membership require a candidate country to change its public administration in two ways: first, by formulating political requirements for the functioning of state institutions on a democratic basis, and second, by requiring the candidate country to be able to fulfill the obligations arising from membership in the Union. The second component was later developed in the so-called Madrid membership criteria as the administrative capacity of a candidate country to apply the EU acquis. The mechanism of functioning of a number of common policies of the European Union requires the restructuring of national institutions in such a way that it is possible to effectively implement the measures that arise in the course of cooperation with the EU. The most striking examples are regional policy and the use of structural funds. In both cases, it is necessary to create appropriate structures within the public administration at the regional and local levels in order to, for example, effectively use the funds from the Cohesion Fund. Poland is an example of a country that has undergone radical changes in the entire system

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of public administration over the past 20 years, a country whose reform efforts have been closely linked to the goal of joining the European Union (Boyarintseva, 2017).

Polish reforms began in 1989 after the signing of a Round Table Agreement between the government and pro-government political forces and the opposition, represented by Solidarity representatives. The first stage of reforms is the building of those institutions that are necessary for the creation of democratic political and social systems in Poland. Some institutions were established at the stage of the existence of real socialism in Poland - first of all, the Constitutional Tribunal, the State Tribunal and the Commissioner for Human Rights. The focus was on creating a new environment for the functioning of institutions (both existing and newly created), designed to serve the implementation of the norms of a democratic state. It was also important to build a democratic political system in which citizens would be guaranteed the realization of their rights and freedoms (Egeberg & Trondal, 2017).

Political reforms concerned: the introduction of full freedom of assembly (in Poland there is no institution of request for consent to public meetings; the organizer must only notify the relevant authorities of the intention to hold a meeting; a ban is possible only on the grounds specified by law); realization of the right to freedom of association, which in practice meant recognition of the freedom of establishment and activity of political parties; recognition of freedom of the press and abolition of censorship; prohibition of all forms of discrimination in matters of holding public office and performing public functions; creation of an electoral system that would guarantee equality, universality of the right to vote and to be elected, and transparency and fairness of the election process itself (election campaign, voting and calculation of election results). The creation of all democratic institutions allowed Poland to become a member of the Council of Europe. The implementation of a number of market transformations under the so-called Balcerowicz program also gave rise to the recognition of Poland as a market economy country and allowed it to join the WTO and the Organization for Economic Cooperation and Development (in 1996). All these changes, made in a relatively short time (1990-1991), made it possible three years after the establishment of official relations between Poland

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and the European Communities to confirm its intention to sign the European Agreement, which gave the Republic of Poland the status of an associated country.

Poland actually fulfilled the political and institutional component of the Copenhagen criteria until they were officially formulated. Of course, the issue of fulfilling the economic criteria, ie creating a stable market economy capable of developing and being competitive on the international market, was much more difficult. However, this criterion was quickly reached in 1997, as evidenced by the conclusion of the European Commission on Poland's application for EU membership. The EU's assessment of the state of implementation of the Copenhagen criteria is aimed at analyzing the practice and is not limited to the analysis of legislation. The adoption of relevant regulations is only a formal, precondition for considering the country's readiness for association or accession to the EU. The main burden is shifted towards the actual observance of legal norms. Therefore, it is important not so much the existence of a certain institution provided by law, certain rules in the legislation, as how they are implemented. It is important that a citizen has the right to a fair trial, but even more important is whether he or she can really hope for a fair trial in court and for how long (Wiering & Havinga, 2021).

In building democracy, public attention in reforming countries is focused on democratic principles, such as freedom of political parties and public associations, protection of the rights of ethnic minorities, and non-discrimination on political, ethnic, and cultural grounds. However, for the EU, adherence to these principles is something obvious, and therefore an essential element of the assessment is the stability of democracy and whether the functioning of a democratic system ensures effective governance. The most synthetic expression of this approach is formulated in the European Commission's Opinion on Poland's application for EU membership: "Poland demonstrates the characteristics of a democracy with stable institutions guaranteeing the rule of law, human rights, respect and protection of minorities." The 1998 Periodic Report on Poland's Progress towards Membership in the European Communities stated: Poland's political institutions continue to function properly under conditions of stability, including the coexistence of the executive branch and the president. This stability was consolidated

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with the entry into force of the new Constitution on October 17, 1997 (Randma-Liiv & Drechsler, 2019).

From the point of view of Poland's preparation for membership in the European Union, the following reforms in the field of public administration were of the utmost importance. Decentralization of powers, responsibilities and means of executive bodies, as a result of which a significant part of tasks is performed by a three-level system of local self-government bodies (commune, county, voivodship). Their executive bodies are elected by local communities, are endowed with their own property and manage an independent budget separate from the state budget. Local governments meet all the criteria set out in the European Charter of Self-Government in order to be recognized as "true" self-government. This allows them to be full partners for the relevant European institutions. The reform of central executive bodies has led to the liquidation of most line ministries and the creation of functional ministries in their place. This reform also changed the way ministries operate, focusing on planning and strategic management, regulating and monitoring socio-economic processes. Ministries were excluded from the processes of operational management of organizations and institutions that produce public goods, state-owned enterprises, etc.

At the same time, a system of executive agencies has been set up to carry out public tasks in the field of market regulation and property management at the request of the government. Civil service reform was carried out, creating a basis for changing the way state institutions function in the direction of ensuring their apolitical and professionalism. A number of procedural institutions have been established to improve the quality of functioning of state bodies and increase public control over their activities. Issues such as the public procurement system, access to public information and standards of openness of public administration should be mentioned. Also, administrative courts have been operating in Poland since the early 1980s, which has largely led to the establishment of high standards of administrative justice (Gontiazh, 2015).

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5 CONCLUSIONS

We can conclude that the concept of European administrative space is widely used in the European integration discourse to describe cooperation in public administration. The phenomenon called the European Administrative Space has been formed gradually throughout the process of European integration. In order to implement Community decisions, civil servants of the Member States had to meet quite frequently at different levels and in different formats, which facilitated the exchange of views and experiences between them. The formed communicative models influenced the decision-making process, thanks to which it was increasingly possible to find common solutions. Officials and experts from the Member States have been constantly considering European issues together, in particular those relating to public administration.

The formation of the European administrative space took place gradually, more slowly in the first decades of the EU's existence; at an accelerated rate as the pressures of globalization increase; deepening European integration and intensifying cooperation between Member States and EU supranational bodies; EU enlargement and the growing need for institutional reforms to adapt to new realities. Three factors in the formation of the European Administrative Space, namely: the rule-making activities of the European Union, the work of the Court of Justice and the conscious search for new, more effective forms of governance and governance under pressure from the EU have greatly contributed to concepts, innovations and technologies; have given impetus to the development of European norms, rules, procedures, instruments, etc., which are recognized and applied by EU supranational bodies and all Member States in the course of bilateral and multilateral cooperation, which is constantly taking place in the EU.

There are three models of Europeanization of national institutional systems. The first is the mechanism of institutional adjustment: the EU, implementing its policy, outlines specific institutional requirements to which each member state of the European Union must adapt; The EU sets the institutional model in this area. The second is the mechanism of changing the national structure of chances and opportunities: EU law causes changes

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in the distribution of resources and powers between national "actors", which in turn disrupts the existing institutional balance and forces the transformation of the system of institutions. The third is the mechanism of changing the beliefs and expectations of public actors: it is in fact the "weakest" mechanism, as European policy does not dictate specific institutional decisions, nor does it force a change in the institutional basis of strategic interaction, but leads to a transformation of the institutional system. to certain aspects of reality. This mechanism is based on the logic of cognition.

The principles of administrative law and civil service standards are interrelated. Administrative law arises from the arrangements that constitute the Community, which are deeply rooted in the cultural, social and political values of modern liberal democracy. Civil service is one of the main elements of public administration, which is why the terms "public administration" and "civil service" are often considered synonymous. The principles of the European Administrative Space are designed to guarantee the same level of quality and efficiency in the provision of administrative services, so they should be gradually introduced and become part of the daily practice of public authorities through current legislation.

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