Institutional or administrative capacity building aims at improving national administrative systems. The capacity of national administrations was subject to monitoring during enlargement. The regulative elements were backed by financial and technical assistance from the EU. The Commission directed money into the candidate administrations in the conditionality-based pre-accession context and with reference to country-specific goal definitions negotiated in the Accession Partnerships. At the same time, the perception for administrative reforms of national bureaucracies was in ascent more widely. In this vein, some member states requested financial assistance from the Commission, which led to first pilot programs targeted at the cohesion countries. It was accordingly possible to frame the policy outside the Copenhagen framework either in the regulatory arena to harmonize national legislation along the lines of common standards or as soft regulation and more open coordination along these lines. Moreover, continuing the pre-accession assistance as financial and technical assistance in the distributive arena was feasible. This leads to the following expectations:

If framed in terms of binding common administrative standards, no spill-in should be expected; spill-in should emerge if the standards developed
during the pre-accession phase are framed along the lines of soft regulation or as a distributive policy offering financial or technical assistance.

Though there is little doubt about the integration process affecting national administrative structures in various ways, “public administration . . . until now has remained strictly an area of national sovereignty, there cannot be any European policy since there is no community competence in this area” (Mangenot 2005: 4, italics in original). Taking a wider angle, the Community is limited to substantial competences with respect to services of general interest. Besides this, administrative cooperation between national civil services on a voluntary basis deserves mentioning. In balance, formal competences under the acquis remained nonetheless either limited to or derived from the Community’s economic responsibilities, apart from some cautious interstate cooperation. In principle, interference with the member states’ administrative systems remains outside the Commission’s sphere of influence, let alone any direct or indirect say on the quality of institutions or even calls for institution building to comply with the acquis.

It is quite to the contrary in enlargement policy. For the states aspiring to join the Union, sufficient administrative capacities are a precondition to accede. Although in the central and eastern European countries the process of state and economic restructuring was a general objective in the 1990s, a considerable role has been ascribed to EU conditionality in advancing the reform of public administrations. Given the absence of equivalent competences in the framework of the acquis, it does not come as a surprise that the Commission had to newly establish standards to define what makes an “efficient” and “effective” administration. This happened step by step in the course of the pre-accession process in which the notion of administrative capacity was first more narrowly limited to sectoral matters of the acquis and the administrative and juridical ability to apply it. In the later phases of the pre-accession strategy, the criterion was extended to general horizontal administrative capacities. The respective policy tools that the Commission developed alongside were, on the control side, monitoring starting with the initial Opinions and refined in the Regular Reports. This was extended to the prescription of specific national targets contained in the Accession Partnerships. On the side of assistance, the financial resources were subsequently increased within Phare. Moreover, specific programs were set up to prepare the states for participation in the agricultural and structural policies of the EU. Most markedly, a significant innovation regarding the main instrument for technical assistance was introduced with the establishment of the twinning instrument in the framework of the Technical Assistance and Information Exchange (TAIEX).