

BOOK REVIEW

Pierre Bauby, *L'eupéanisation des services publics*, Paris, Presses de Science Po, La Bibliothèque du Citoyen, 2011, 196 pages, ISBN: 978-2-7246-1227-1

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Written by a leading expert in the field of public services in France, the volume is set to become an influential participant in the current debate on Europeanisation, and a source of inspiration for EU policymakers. Pierre Bauby provides an interesting and often compelling case for developing a European doctrine in this field, arguing that a certain degree of harmonisation can and must occur „between the unity of certain common rules, and the sectoral and national diversity” (p. 162)¹.

These concerns are strongly connected to the very logic of European integration and also to major practical issues, including some of the outcomes and lessons of the recent financial and economic crisis. Bauby argues convincingly that the so-called „general interest public services” are at the crossroads of the economic, social and – hopefully – environmental dimensions of the European social model and, as such, the EU should grant them the prominence they deserve. Their status and prospects are an important part of the debate on the future role of the European Union.

Pierre Bauby is supportive and optimistic, in this respect. His teaching and research experience in France and abroad, as well as most of his influential works, including *L'État stratège. Le retour de l'État*², make him a strong and credible proponent of activist policies at the EU level, building on the lessons drawn at the member-state level. As noted by Jean-Louis Quermonne in the Preface, Bauby's volume „comes at the right moment, in answering this crisis [but] does not substitute one ideology for another, proceeding instead to an objective audit”.³ Issues such as objectivity are, of course, always open for debate when approaching the literature on public services, largely inspired by various theories on the role of the state. What is not debatable is, however,

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¹ All references are made to the above mentioned original edition; the quoted fragments were translated from French by the reviewer.

² Pierre Bauby, *L'État stratège. Le retour de l'État*, Paris, Les Éditions Ouvrières, 1991.

³ Jean-Louis Quermonne, „Préface”, p. 8.

Bauby's obvious commitment to a „democratic regulation”, based on the participation of all interested parties, which is a condition for both its legitimacy and its efficacy (pp. 182-183).

The volume is built on a major theoretical insight: there are three major trends that define the process of Europeanisation of public services, at this stage in the process of integration, and a careful consideration of their dynamics is necessary from a policy perspective. The first one is extremely broad and is generated by a deepening-and-widening logic. „Widening” refers to the gradual expansion of EU powers in the field of public services, while „deepening” relates to the drive toward the achievement of the single market, in conjunction with the need to observe the specificity of each sector. This has led to an „opening of the [public services] markets, even though its pace and forms vary across sectors and countries” (p. 29). The other two trends involve the structural constraints that run against uniformisation: sectoral differences prevent the adoption of common policy frameworks across fields, while the national traditions and institutions shape specific modes of regulation and implementation across countries (*Ibid.*).

This is a solid framework for conducting comparative analysis and seeking conceptual clarification and development, as well as for achieving a more practical aim: the Lisbon treaty, it is argued, can serve as a standpoint in the efforts to create a wider and more effective legal framework, in the field of public services.

The first chapter following the Introduction deals with the major stages of the Europeanisation process in the field of public services, pointing to the often divergent interpretations of treaty provisions and especially to the confusion sometimes generated by the Commission's „soft law”. A relevant example would be the fuzziness of the ad-hoc typology of public services: GIS (general interest services), GEIS (general economic interest services), GNEIS (general non-economic interest services), GISS (general interest social services). As Bauby notes: „Many actors raise questions about the role of the GIS in tomorrow's EU and eventually about the ‘social model’ it will embody” (p. 73). To answer these and many other questions, the potentialities of the Lisbon Treaty can be put to use, and both the European Commission and the European Parliament seem ready to explore this road.

In the next chapter, the statement that “Europeanisation is not uniformisation” is supported by a thorough comparative analysis taking into account the various types of national institutional architecture and public service tradition. A special section is allocated to the new Central and Eastern European member states, pointing out the salience of the inter-war and Communist legacies, and arguing that in these countries “strong differences and instabilities remain, relative to the organisation, management, regulation and financing of the “public services” (p. 97). Throughout the EU, uniformisation has proved to be

impossible, since member-states not only retain their ultimate veto rights, but undergo dissimilar processes of “acculturation” to EU norms, strongly constrained by their national conditions.

Chapter 3 includes a fairly detailed analysis of the state of affairs in fields like electricity, gas, transports, water and sanitation, but also non-economic services such as public administration, social security, housing, health and education. As expected, there are wide differences among issues, generated by differences in the content of and exposure to EU law, as well as to the relative effectiveness of the attempts to promote Europeanisation. In the meantime, new European GIS have emerged in fields like navigation, railway transportations or food security. This is a process by which the EU tends to respond to the evolving needs of its citizens, and one would expect it to continue and gain even more prominence, following the Lisbon Treaty.

The subsequent discussion, in Chapter 4, is centered on the need to lend support to Europeanisation and sustain EU positive law, by identifying the specific issue areas that require a coherent approach and developing the opportunities provided by the new treaties. This would promote a new understanding of public services, as a pillar of the future European Union (p. 185). However, argues Bauby, this European doctrine cannot lead to a top-down management from Brussels; Instead, it should build on the experience of the community *acquis*, making it more specific and operational (Ibid.). In turn, this would better satisfy the need for democratic and accountable regulation, compatible with the political vision that underlies the future of the European project.

Pierre Bauby is confident that public services will play an important part in the “social Europe” of tomorrow, and that Europeanisation will gain ground, despite temporary setbacks. National and sectoral differences will remain, and they would inspire further comparative analyses, some of which might raise interesting issues not yet closely connected to the Europeanisation research program, much to the benefit of political science literature in the field.