

Systematizing information on the institutional framework of central administration in the European Union



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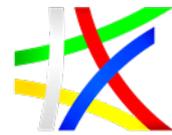
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Analytical document
**SYSTEMATIZATION OF INFORMATION ON THE INSTITUTIONAL
FRAMEWORK OF THE CENTRAL ADMINISTRATION IN THE EUROPEAN
UNION**

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ANALYTICAL DOCUMENT

SYSTEMATIZATION OF INFORMATION ON THE INSTITUTIONAL FRAMEWORK OF THE CENTRAL ADMINISTRATION IN THE EUROPEAN UNION

Abstract: The optimization of the Bulgarian central administration's structure can happen only through the implementation of a coherent reform in the country's public sector. However, the first step in formulating such a reform requires an in-depth study of other countries' experience in this field.

Conducting comparable analysis proves to be no easy task as it should present the results in a uniform manner for all countries, regardless of their traditions, national, historical, and political characteristics. Moreover, the study should use a complex, still applicable to all EU and non-EU countries instruments which suggest the possibility of comparison between the Bulgarian reality and this of its foreign partners.

The current analysis systematizes information on the regulations, the structure of the executive authority and the good practices used in the public sector of different countries. It also provides specific recommendations for possible improvements in the central administration of the Republic of Bulgaria.

Keywords: public administration, public sector, executive authority, central level, civil service, institutional framework, administrative structure, ministry, agency, authority



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Denitsa Tsankova was born in Lovech, Bulgaria. In 2014 he graduated from the Lovech Language High School “Exarch Joseph I” with a first foreign language - English and a second foreign language - German. In 2019 she received her bachelor's degree in "European Studies" at the Faculty of Philosophy of Sofia University “St. Kliment Ohridski” in Sofia, Bulgaria. Two years later she defended with honors a master's thesis on “Tools for increasing confidence in statistics in Bulgaria - from data quality to policy quality” in the Department of Public Administration at the same university.

During her academic career, Denitsa participated in several research projects at the Jean Monnet Center of Excellence, conducted with the participation of students, associate professors and professors from Sofia University, where she gained extensive experience in the preparation, implementation and management of quantitative and qualitative research.

Denitsa continues to actively use her practical experience in the field of research and knowledge in the field of European affairs, Bulgarian public administration and quality management both in her research activities and in her current work as a senior expert at the National Statistical Institute of the Republic of Bulgaria.



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1. Introduction

A logically constructed central administration should bring many direct and indirect benefits to the country and its citizens in both the short and long term. These range from optimizing the management of available human and financial resources to improving access to various public services and increasing trust in institutions. The choice of specific mechanisms, such as policies, laws, institutions, etc., to ensure the sound and transparent management of a country's political and administrative processes is a key function of any democratic governance. This choice is extremely complex, as it should be consistent with historical specificities and national priorities, while at the same time not being unduly influenced by the political conjuncture of the moment.

The study of the experiences and institutional frameworks of the European Union (EU) Member States represents the first step towards the formulation of a clear public administration reform strategy for a modern country. This approach has the potential to offer concrete alternatives for solving specific administrative-organizational problems in Bulgaria as well, while it can further contribute to the wider dissemination of good practices established in the public sector and the harmonization of administrative processes in the Union.

This analysis has two main objectives:

- to present the main features of the structuring of executive administration at central level in all EU Member States and in several non-EU countries;
- as a result of the review, identify and propose options for changes in the Bulgarian institutional structure at central level.

For the present analysis a **research toolkit was used, which includes a desk research on the information available** on the Internet for all 26 EU Member States except Bulgaria on the different types of structures and their specific functions and features in the context of the existing administrative organization in the country. This includes relevant websites and web pages, online registers and databases, legal acts, scientific publications and analyzes of other researchers on the subject. It should be noted that the following online platforms played a key role in the process of collecting and presenting the information, as well as the European Commission's (EC) 2018 thematic analysis – “Public administration characteristics and performance in EU28”:

- European Committee of the Regions online database containing information on the separation of powers in the EU Member States and other countries in the region - <https://portal.cor.europa.eu/divisionpowers/Pages/default.aspx>
- European e-Justice Portal online database - https://e-justice.europa.eu/content_member_state_law-6-en.do
- International Monetary Fund (IMF) online database on country-specific structures falling under the general government sector - <https://data.imf.org/regular.aspx?key=60950584>
- Organization for Security and Co-operation in Europe online legislation database - <https://www.legislationline.org/>
- Online database on EU national legislation - <https://n-lex.europa.eu/n-lex/index?lang=en>

All the information gathered together with the sources used for the study is presented in the **Annex, which is an integral part of this analysis**. It provides, for each of the countries studied, the specific Internet links leading to the places from which the relevant information was collected.

It is important to note that in view of the need to ensure a high degree of identity in (and comparability of) the results of individual countries, the **European System of Accounts 2010** classification established by Regulation (EU) No 549/2013 of the The European Parliament and of the Council of 21 May 2013 (ESA 2010) was used during the desk study. According to this regulation, the public sector consists of the general government sector (S.13) and the public corporations sector. The general government sector comprises institutional units which are non-market producers whose output is intended for individual and collective consumption and which are financed by compulsory payments made by units belonging to other sectors, and institutional units mainly engaged in the redistribution of national income and wealth . The general government sector, in turn, consists of the following four subsectors, the first two of which are the subject of study in the present analysis:

- **Central government** - the central level of government consists of all administrative structures of the state whose responsibilities cover the entire economic territory of the country, with the exception of social security fund administrations. According to the definition in ESA 2010, paragraph 20.57, the subsector 'Central government' (S.1311) consists of all government units that have national competence, excluding social security units;
- **Federal government** - this group includes Belgium, Germany, Spain and Austria as EU Member States;
- Local government;
- Social security funds.

In accordance with the objectives of the study, it divides the countries studied into two groups - Institutional framework of central administration in the EU member states and Institutional framework of central administration in non-EU countries. In both the textual analysis and its annex, the content for each country is organized into the following 5 sections:

- Online databases and other sources of information;
- Regulatory framework;
- Ministries;
- Agencies and other administrative structures;
- Conclusions and practices applicable to Bulgaria.

In its final part, the analysis presents a summary of the results of the study as well as alternatives for the Bulgarian central administration for development.

Finally, I would like to express my sincere gratitude to the two research assistants who, through their hard work and quality work, have made the collection of this vast array of information possible. These are Sava Stefanov, a junior expert in the International Activities, Research and Analysis Department of the Training, International Activities and Projects

Directorate of the Institute of Public Administration, and Valeriya Atanasova, an intern in the Modernization of Administration Directorate of the Administration of the Council of Ministers of the Republic of Bulgaria.

2.1. Institutional framework for central administration in the Member States of the European Union

The study of the organization of central administration in the EU Member States should present foreign experiences in the positioning of different public bodies and institutions in modern public administration. The systematisation of this information and the drawing of concrete conclusions on the structural logic of the different types of administrations, taking into account their functions and powers, the main historical and political characteristics of the country, its traditions and its conception of the role of the central administration, should help to identify the structural organizational schemes common in these countries and the possibilities for improvement in the Bulgarian public sector. The results of this study constitute a solid basis for administrative reform with clear dimensions and objectives.

2.1.1. Institutional framework in the Republic of Austria

Online databases and other sources of information

Federal Government Legislative Information System (RIS)	-
https://www.ris.bka.gv.at/default.aspx	
Official website of the Federal Chancellery	-
https://www.bundeskanzleramt.gv.at/en.html	
Platform on public administration in the Republic of Austria	-
https://www.help.gv.at/Portal.Node/hlpd/public/content/146/Seite.1460000.html	

Actual data: 13.06.2021

Regulatory framework

According to Article 77 of the latest amendment to the **Federal Constitutional Law** of 1999, the Federal Chancellery of the Republic of Austria and the federal ministries are the basis of the executive power at the central level in the country. While Articles 10-12 of the Constitution deal with matters to be decided at the central level, the **Federal Ministries Act** of 1986 (as amended in 2021) specifies the number, scope and functioning of each of Austria's at least 13 federal ministries.

As for other types of institutions without ministerial rank, they are mainly established by laws, but in some cases they may also be established by ordinances.

Ministries

The federal ministries within the meaning of Article 77 of the Federal Constitutional Law and pursuant to Article 1 of the Federal Ministries Act are as follows:

1. Federal Chancellery;
2. Federal Ministry of Arts, Culture, Public Service and Sport;
3. Federal Ministry for Social Affairs, Health, Care and Consumer Protection;
4. Federal Ministry of Finance;
5. Federal Ministry of Education, Science and Research;
6. Federal Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology;
7. Federal Ministry of Labor;
8. Federal Ministry of Agriculture, Regions and Tourism;
9. Federal Ministry of the Interior;
10. Federal Ministry for European and International Affairs;
11. Federal Ministry for Digital and Economic Affairs;
12. Federal Ministry of Defense;
13. Federal Ministry of Justice.

The designations do not have to be fully consistent with the above, but the scope of their activities must fall within these public spheres.

To date, **there are 13 federal ministries** with some differences in the above designations. In addition, the structure of the federal government today also includes **two ministers without portfolio and two secretaries of state**, who together with the president and the ministers constitute senior executive bodies under the existing legal framework (Article 19 of the Federal Constitutional Law):

- Federal Minister for the EU and the Constitution at the Federal Chancellery;
- Federal Minister for Women, Family, Youth and Integration at the Federal Chancellery;
- State Secretary at the Federal Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology;
- State Secretary at the Federal Ministry for Arts, Culture, Public Service and Sport.

Agencies and other administrative structures

The main duty of the Federal Chancellery is to represent the general administration and coordination of the Austrian government. In this sense, the Federal Government has a long list of structures that support the achievement of national priorities and the implementation of those policies that affect the whole country. In this endeavor, the federal ministries rely on the assistance of a significant number of companies and companies with state participation, while the structures remaining in the public sector enjoy a high degree of autonomy in their management and decision-making ¹.

Conclusions and practices applicable to Bulgaria

The transfer of key sectors such as transport and energy to the free market is a trend across Europe, including in the Republic of Austria, which like many other countries has recognized the need for a strong private sector as a prerequisite for good governance. In most cases, this step has been particularly successful due to the increased quality of services provided in the field and in view of the improved competitiveness of the country. At the same time, the drive of individual provinces to develop high quality products and services makes the country one of the main competitors in Europe.

At the same time, the Republic of Austria has many and influential mechanisms for the investigation and prosecution of various types of crime. This is the case with several types of prosecutor's offices, which have jurisdiction over a variety of financial frauds and crimes.

2.1.2. Institutional framework in the Kingdom of Belgium

Online databases and other sources of information

Official website developed by the federal government to provide access to government-related information and services - <https://www.belgium.be/en>

Information on the federal administration - https://fedweb.belgium.be/nl/over_de_organisatie/over_de_federale_overheid/overzicht_federale_diensten

Belgian legislation platform - <http://www.ejustice.just.fgov.be/loi/loi.htm>

Data update: 20.06.2021

Regulatory framework

According to Article 37 of the **Belgian Constitution** (ver. 13 March 2021), the federal executive power belongs to the King. However, the provisions of Article 106, according to which no act of the King can have effect unless it is also signed by the minister concerned, and Article 88 on the responsibility of ministers determine that it is in practice exercised by the federal government.

¹Aulich, Ch., Wettenhall, R. (2012, Palgrave Macmillan) - Government Agencies: Practices and Lessons from 30 Countries (Austria)

The two Acts of 16 March 1954 and 22 July 1993, respectively, contain general provisions concerning the offices of the federal administration. The first law lists a large number of institutions with public functions, divided into four categories (A, B, C and D). However, the list does not indicate all the bodies existing at the central level today.²

Ministries

The federal government, which consists of the prime minister and ministers, enforces the laws and is responsible for those matters that affect the whole country - justice, defense, foreign affairs, social security, rail transport and postal services, scientific and cultural matters.³

According to Article 99 of the Belgian Constitution, **the Council of Ministers shall consist** of no more than 15 members. To date, these are:

1. The Prime Minister;
2. Federal Minister for Economic Affairs and Employment;
3. Federal Minister for Foreign Affairs, European Affairs and Foreign Trade and Federal Cultural Institutions;
4. Federal Minister for Mobility;
5. Federal Minister of Finance responsible for the coordination of the fight against fraud;
6. Federal Minister for Social Affairs and Public Health;
7. Federal Minister for Public Administration, Public Enterprises, Telecommunications and Postal Services;
8. Federal Minister for Justice and the North Sea;
9. Federal Minister for Small Business, the Self-Employed, SMEs and Agriculture, Institutional Reform and Democratic Renewal;
10. Federal Minister for Pensions and Social Integration, responsible for people with disabilities, the fight against poverty and “Beliris”;
11. Federal Minister for Defense;
12. Federal Minister for Climate, Environment, Sustainable Development and the Green Deal;

²Verhonest, K., Demuzere, S., Rommel, J. (2012, Palgrave Macmillan) - Government Agencies: Practices and Lessons from 30 Countries (Belgium and Its Regions)

³Hammerschmid, G., Van Dooren, W., Thijs, N. (2018, European Commission) Public administration characteristics and performance in EU28: Belgium

13. Federal Minister for the Interior, Institutional Reform and Democratic Renewal;
14. Federal Minister for Development Cooperation, responsible for major cities;
15. Federal Minister for Energy.

Today, the structure of the federal government is complemented by **five secretaries of state**, who are also (like the ministers) appointed by the King and are responsible for specific matters within the portfolio of their respective ministry (Article 104 of the Belgian Constitution):

- Secretary of State for Economic Recovery and Strategic Investment, Minister for the Economy and Employment, with responsibility for Science Policy;
- Secretary of State to the Prime Minister for Digital, responsible for administrative simplification, confidentiality and buildings administration;
- Secretary of State to the Minister for Mobility – on gender equality, equal opportunities and diversity;
- Secretary of State to the Secretary of State for the Home Department, Institutional Reform and Democratic Renewal, responsible for asylum and migration, responsible for the National Lottery;
- Secretary of State to the Secretary of State for Justice and the North Sea - Budget and Consumer Protection.

Agencies and other administrative structures

The structure of the federal administration is organized under two major branches, **federal public service and federal public service related to programs**. Although they do not have a legal personality, these offices are under the authority of one or more ministries and play a leading coordination and administrative support role in the implementation of federal policies. In addition to setting up specific internal administrative units according to the services provided by the department concerned, it often partners with a **wide range of other federal institutions** (with different positioning in the country's administrative structure, different levels of autonomy, etc.):

1) Federal Public Service (FPS):

- FPS Prime Minister's Chancellery - assists the Prime Minister in the management and coordination of government policies and is responsible for communication with various international and supranational organizations;



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- FPS Policy and Support - assists government and federal organizations in various areas such as information technology, human resources, governance and integrity policies, budget, accounting and procurement;
- FPS Foreign Affairs, Foreign Trade and Development Cooperation - supports the network of embassies, consulates and representative offices abroad and in the Kingdom of Belgium;
- FPS Home Affairs - assist the Federal Minister of the Interior in the performance of his duties in areas such as police, civil security, aliens policy, registration and identification of individuals, effective exercise of certain democratic rights, etc .;
- FPS Finance - responsible for the collection and management of tax revenues, carries out inspections and ensures the legal certainty of entities in real estate transactions;
- FPS Mobility and Transport - implements federal mobility policy with a focus on safety, environment, social issues and the optimal integration of all modes of transport;
- FPS Employment, Labor and Social Dialogue - assists workers and employers in their labor relations by providing protection, promoting well-being and diversity in the workplace;
- FPS Social Security - works for the effective and fair exercise of social rights;
- FPS Public Health, Food Safety and Environment - responsible for implementing the public health strategy and those related to food safety and the environment;
- Justice FPS - supports the judiciary and monitors the enforcement of sentences;
- FPS Economy, SMEs, Self-employed and Energy - responsible for creating favorable conditions for a competitive, sustainable and balanced market for goods and services in the Kingdom of Belgium;
- Department of Defense - supports the work of the Minister of Defense in the defense of the country and the organization of international humanitarian missions by the Belgian Government ;

2) Federal Public Services related to Programming (FPSP):

- FPSP Social Integration - works for effective social integration, striving to ensure that people in difficulty can live with dignity;
- FPSP Science Policy - assistants in the management of federal research institutes.

According to the Commission's 2018 analysis⁴ The Kingdom of Belgium has a multitude of autonomous public bodies, the main types identified, part of the central government of the country, are agencies directly supervised by the government, autonomous agencies (with their own management) and scientific institutions.

Conclusions and practices applicable to Bulgaria

The Kingdom of Belgium is the only European country whose organization of the central executive authority is based on the FPS and FPSP axis. The country has chosen to present its institutions, which are virtually indistinguishable from those of other countries, as a collection of administrations. The use of this approach helps to establish an enduring understanding that no single administration can be sufficiently effective when it is not seen as part of the whole institutional puzzle. Each of the structures is important in its own right, but its effectiveness and efficiency also depend on the actions of other administrations. Creating this sense of interconnectedness and dependence makes the need for coordination between different bodies and harmonization of their actions particularly important so that the objectives of different administrations are achieved in synchrony.

2.1.3. Institutional framework in the Federal Republic of Germany

Online databases and other sources of information

Portal for online access to federal, state and local information and services - <https://www.service.bund.de/>

Official federal government website - <https://www.bundesregierung.de/breg-en>

Department of Justice and Consumer Protection's open access platform for legislation - <http://www.gesetze-im-internet.de/index.html>

Actual data: 06/26/2021

Regulatory framework

According to the **Basic Law of the Federal Republic of Germany of 1949**, the federal government, headed by the Chancellor, enforces the laws through the federal administration and other institutions that are subject to public law.

As regards the rules on the structure of the federal administration, Articles 73 and 74 of the Basic Law list the areas in which the federal government has legislative competence and therefore the power to establish structures to carry out specific tasks and policies throughout the country. These areas include foreign relations, defense, identity and citizenship documents, migration, financial policy, trade policy, air transport, etc.

⁴Verhonest, K., Demuzere, S., Rommel, J. (2012, Palgrave Macmillan) - Government Agencies: Practices and Lessons from 30 Countries (Belgium and Its Regions)



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Ministries

The constitutional principle concerning the sovereignty of ministries occupies a central place in the work of this major type of institutions, which are also the highest federal bodies. The principle guarantees them the freedom to administer their portfolio effectively and independently in so far as the policy pursued does not differ substantially from the general direction of the country set by the Chancellor. The Minister can and should judge for himself the need for a particular administrative structure, how to make it more efficient by merging or splitting it up, etc.

The present Federal Government consists of:

1. Federal Chancellery;
2. Federal Ministry of Finance (BMF);
3. Federal Ministry of the Interior, Works and Community (BMI);
4. Federal Ministry of Foreign Affairs (AA);
5. Federal Ministry for Economic Affairs and Energy (BMWi);
6. Federal Ministry of Justice and Consumer Protection (BMJV);
7. Federal Ministry of Labor and Social Affairs (BMAS);
8. Federal Ministry of Defense (BMVg);
9. Federal Ministry of Food and Agriculture (BMEL);
10. Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ);
11. Federal Ministry of Health (BMG);
12. Federal Ministry of Transport and Digital Infrastructure (BMVI);
13. Federal Ministry for the Environment, Nature Conservation and Nuclear Safety (BMU);
14. Federal Ministry of Education and Research (BMBF);
15. Federal Ministry for Economic Cooperation and Development (BMZ).

In addition, the federal government includes **a minister without portfolio who is also head of the Federal Chancellery:**

- Head of the Federal Chancellery and the Federal Ministry for Special Tasks.

Agencies and other administrative structures

Following the logic of the principles laid down in the Basic Law, executive bodies at the federal (central) level are established and operate in those areas where the federal government has competence. According to a 2012 analysis, federal administration can be conditionally divided into direct and indirect. The first category includes those institutions that are in a strong hierarchical dependence on and subordination to federal ministries and that are state-dependent. The second group enjoys a greater degree of independence, for example some institutions may rely not only on funding from the state but also on revenues from their own activities. Indirect administration has mainly cultural and historical and research functions.

Below are the different types of institutional structures within each of the two types of federal administration:

– **Direct administration:**

- 1) **Lower federal (sub-federal) authorities (Bundesunterbehörden)** - they are subordinate to the middle (central) federal authorities and are created when the latter need to be assisted in carrying out their functions in a smaller territory.
- 2) **Middle (central) federal authorities (Bundesmittelbehörden)** - they are created only in those policy areas where the federal government has already established its own federal administration. They are subordinate to the higher federal authorities and may create lower federal (sub-federal) authorities if necessary.
- 3) **Higher federal authorities (Bundesoberbehörden)** - they have regulatory functions and are responsible for the federal government's oversight of key sectors nationwide.
- 4) **Commissioners (Beauftragte)** - Like the higher federal authorities, the Commissioners have oversight functions over specific issues and tasks handled by the federal government.
- 5) **Supreme Federal Authority (Oberste Bundesbehörde)** - the Federal Chancellery and ministries fall into this category, along with several other key state institutions such as the Deutsche Bundesbank and the Federal Court of Auditors.
- 6) **Institutions, subjects of public law without legal capacity (Nichtrechtsfähige Anstalt des öffentlichen Rechts)** - These types of unincorporated institutions assist the executive authority with their research, opinions, and advice on specific topics of federal government.

– **Indirect administration:**



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- 1) **Institutions which are subjects of public law with legal capacity (Anstalt des öffentlichen Rechts)** - this type of institution, which unlike the previous one has legal personality, supports the work of the federal government by monitoring the legal functioning of sectors related to culture, business development and the media.
- 2) **Public-law foundations (Stiftung öffentlichen Rechts)** - they also have legal personality and ensure the correct and effective functioning of many cultural and historical organizations on German territory.

Conclusions and practices applicable to Bulgaria

The Federal Republic of Germany has a clear and strong hierarchical subordination in terms of the structures supporting the work of the ministries. Underpinning this organization is the concept of the need for a legislative framework that precludes the existence of diffuse responsibilities between institutions. Next, federal governance relies on the political dependence of institutions without ministerial rank as a basic mechanism. This is due to the fact that it is their positioning under the umbrella of a federal ministry that can guarantee the quality management of the respective administrative structure and the sector as a whole, as well as the achievement of national priorities along the path set by the Chancellor.

2.1.4 Institutional framework in the Hellenic Republic

Online databases and other sources of information

Official website of the National Printing Service - <http://www.et.gr/>

Official website of the Greek Parliament - <https://www.hellenicparliament.gr/el/>

Official website of the Greek Government - <https://government.gov.gr/>

Actual data: 31.07.2021

Regulatory framework

Articles 81-86 of the 1975 **Constitution of Greece** refer to the government of the country and Articles 101-105 to the administration. Prior to the amendment of the Constitution in 1986, executive power belonged jointly to the President and the Government. However, since then the role of the President has been limited, making his functions ceremonial. Thus, most of the political power passes to the Prime Minister, who is the head of the Greek government. According to Article 101 of the Greek Constitution, the administration is decentralized, but in practice it turns out that the opposite is the case. The country's administration is highly centralized, and this is due both to historical development and political tradition, and to the fact that the allocation of financial resources to the central administration of the executive depends entirely on the ministries under whose umbrella the relevant structures operate ⁵.

⁵Sotiropoulos, DA (2018, European Commission) Public administration characteristics and performance in EU28: Greece

Ministries

The central government consists of the central departments of the ministries that control and oversee many public bodies and government agencies. The central executive also includes seven decentralized administrations (apokentromeni dioikisi) ⁶.

The Council of Ministers constitutes the government of Greece and is the supreme governing body of the country, implementing government policy and taking collective decisions on important policy issues. It consists of the Prime Minister, the Deputy Prime Minister and Ministers. The Council determines and directs the general policy of the country in accordance with the provisions of the Constitution and the laws.

Today's Greek government consists of **one office of the Prime Minister** ⁷, **one Minister of State and the following 18 ministries:**

1. Ministry of Finance;
2. Ministry of Development and Investment;
3. Ministry of Foreign Affairs;
4. Ministry of Civil Protection;
5. Ministry of National Defense;
6. Ministry of Education and Religious Affairs;
7. Ministry of Labor and Social Affairs;
8. Ministry of Health;
9. Ministry of Environment and Energy;
10. Ministry of Culture and Sports;
11. Ministry of Justice;
12. Ministry of the Interior;
13. Ministry of Digital Government;
14. Ministry of Infrastructure and Transport;
15. Department for Shipping and Island Policy;

⁶Sotiropoulos, DA (2018, European Commission) Public administration characteristics and performance in EU28: Greece

⁷Government decisions are prepared by the Office of the Prime Minister and the General Secretariat of the Government.

16. Department for Rural Development and Food;

17. Ministry of Tourism;

18. Department of Immigration and Asylum.

There are also government committees, made up of ministers and secretaries of state, tasked with deciding policies in specific, strategic areas ⁸.

Agencies and other administrative structures

As stated earlier, the central administration of Greece consists of the ministries, the structures they control (Εποπτευόμενοι Φορείς), and seven decentralized administrations.

The decentralized administrations were created in 2011 and are separate government entities whose heads are appointed by the central government and whose task is to oversee local and regional authorities. They have the same competencies that, according to the country's Constitution, are not subject to local government (eg assessing the legality of administrative acts issued by municipal authorities, forest protection, management of state assets, etc.).⁹

As for those entities that are subject to the control of the ministry under whose umbrella they operate - they are most often divided into the following four categories:

- 1) **Legal Persons, Subjects in Public Law** (Πομικό Πρόσωπο Δημοσίου Δικαίου (Ν.Π.Δ.Δ.);
- 2) **Legal persons, subjects on private law** (Πομικά Πρόσωπα Ιδιωτικού Δικαίου (Ν.Π.Ι.Δ.);
- 3) **Anonymous companies** (Ανώνυμη Εταιρεία) - represent a type of corporation, which exists in jurisdictions, which often use and apply acts of civil law;
- 4) **Independent Administrations.**

Conclusions and practices applicable to Bulgaria

In the wake of the 2008 financial crisis, a number of administrative reforms were initiated in the country. These mainly affect the lower levels of government with a view to decentralization in line with the provisions of the Greek Constitution and are being carried out with the active assistance and supervision of the European Commission, the European Central Bank (ECB) and the International Monetary Fund (IMF). While the results of these reform

⁸Sotiropoulos, DA (2018, European Commission) Public administration characteristics and performance in EU28: Greece

⁹Sotiropoulos, DA (2018, European Commission) Public administration characteristics and performance in EU28: Greece

actions are controversial, especially as regards decentralization, they bring undeniable positives, such as a higher degree of attention to certain tasks by the administration^{10 11}.

The uncertainty and lack of trust between political actors in the country often leads to the formation of large government cabinets. The distribution of portfolios among the various ministers is well organized and logical, yet their effectiveness in their work and independent policy-making in the public interest continues to be questioned.

2.1.5 Institutional framework in the Kingdom of Denmark

Online databases and other information sources

Official website of the Danish Government - <https://www.regeringen.dk/>

Official website of the Prime Minister's Office - <https://english.stm.dk/>

Official website of the Danish Parliament - <https://www.thedanishparliament.dk/>

Danish Legislation Platform - <https://www.retsinformation.dk/>

Actual data: June 29, 2021

Regulatory framework

Denmark's constitution dates back to 1849, but its last amendment was in 1953. According to the provisions of the Basic Law, in particular those in Part III, the King is the Head of State, who exercises his (executive) power through his appointed ministers. According to Article 13, it is the ministers who are responsible for implementing the laws through the policies pursued by the government.

Ministries

The government monitors, regulates and develops many areas of public life related to the economy, taxation, justice, benefits, allowances and pensions, education, security, environmental protection, etc.

Today the Danish government consists of:

1. Prime Minister's Office;
2. Ministry of Employment;
3. Ministry of Social Affairs and the Elderly;
4. Ministry of Climate, Energy and Utilities;

¹⁰For example, the preparation of detailed instructions on how to perform a task.

¹¹Sotiropoulos, DA (2018, European Commission) Public administration characteristics and performance in EU28: Greece

5. Ministry of Industry, Business and Financial Affairs;
6. Ministry of Defense;
7. Ministry of Justice;
8. Minister for Church Affairs;
9. Department of the Environment;
10. Ministry of Food, Agriculture and Fisheries;
11. Ministry of Taxation;
12. Ministry of Health;
13. Ministry of Transport;
14. Ministry of Higher Education and Science;
15. Ministry of Foreign Affairs;
16. Minister for Immigration and Integration;
17. Ministry for Children and Education;
18. Ministry of the Interior and Housing;
19. Ministry of Finance.

There is also a **minister without portfolio** in the government structure. This is the Minister for Development Cooperation and Nordic Cooperation, who works under the umbrella of the Ministry of Foreign Affairs.

The Treasury has a key, and according to some authors¹² even a leading role in setting the country's political agenda, mainly because of its responsibility to allocate public resources among institutions in an appropriate and efficient manner.

Agencies and other administrative structures

Over the last 10-15 years, the reverse process of creating multiple agencies with diverse competencies has been taking place in the Kingdom of Denmark¹³. At the central level, work is being done to ensure that the administrative structure is not too complex, messy and bureaucratic. Opportunities are being sought to merge the functions of several separate administrations into one, while other institutions are being removed from the state

¹²Wegrich, K., Hammerschmid, G. (2018, European Commission) Public administration characteristics and performance in EU28: Denmark

¹³Wegrich, K., Hammerschmid, G. (2018, European Commission) Public administration characteristics and performance in EU28: Denmark

administrative apparatus altogether. If the 2009 study ¹⁴found 262 agencies, in 2016 another survey ¹⁵was only able to identify 131 agencies at the central level.

The way ministries are organized in the Kingdom of Denmark is typical of all structures of this rank. They consist of departments where a policy is formulated and agencies that focus on the subsequent implementation of the measures so formulated. In addition, ministries often name autonomous institutions, committees, advisory councils, etc. as their strategic partners. They are independent, but nonetheless important political actors - in achieving specific objectives and protecting the public interest ¹⁶.

Although there is no law in the national legal framework that defines the types of Danish agencies or classifies the available administrative structures according to key features, some authors make the following distinction ¹⁷:

- 1) **semi-autonomous organizations without legal independence but with some managerial autonomy** - they are practically separate but hierarchically linked to one or more ministries;
- 2) **legally independent organizations with managerial autonomy** - mainly cultural institutions;
- 3) **directorates** - agencies that enjoy a high degree of autonomy but do not have legal status of independence.

It should be noted that within this study this classification was not applicable due to the lack of these definitions from the information sources used.

Conclusions and practices applicable to Bulgaria

The process of de-agencification is extremely complex and lengthy. It requires an in-depth analysis of both the processes taking place in administrations and the needs of citizens. Reducing the number of executive structures at the central level should in no way be at the expense of the quality of the services offered by the state or the obligations imposed on citizens. Therefore, before embarking on any reform of the organization of an administration, a thorough and careful assessment must be made, as well as an independent evaluation of the effectiveness of the individual structures, their workload, and the contribution of each of them to achieving national priorities.

2.1.6 Institutional framework in the Republic of Estonia

Online databases and other information sources

Database on Estonian legislation in English - <https://www.riigiteataja.ee/en>

¹⁴Bach, T. (2012, Palgrave Macmillan) - Government Agencies: Practices and Lessons from 30 Countries (Denmark)

¹⁵Moderniseriestyrelsens, 2016 - State league institutions and ministerial internal styling

¹⁶Wegrich, K., Hammerschmid, G. (2018, European Commission) Public administration characteristics and performance in EU28: Denmark

¹⁷Bach, T. (2012, Palgrave Macmillan) - Government Agencies: Practices and Lessons from 30 Countries (Denmark)

Official website of the Estonian Government - <https://valitsus.ee/>

Official website of the Estonian Government Office - <https://www.riigikantselei.ee/>

Actual data: 02.08.2021

Regulatory framework

According to Chapter 6 of the 1992 Constitution of the Republic of Estonia, executive power in the country is vested in the government, consisting of the Prime Minister and the ministers.

In addition, there are the following two Acts which contain more specific provisions both on the government and the institutions it uses in the exercise of its powers and on the civil service in general:

- **Law on the Government of the Republic of 1995;**
- **Civil Service Act 2012.**

Ministries

The government represents the political leadership of the country. According to the Estonian Constitution, its main responsibilities include coordinating the work of state institutions, conducting domestic and foreign policy, drafting legislation, submitting the draft state budget to Parliament, etc.

According to Article 3 of the Government of the Republic Act, the Cabinet may consist of no more than 15 ministers, including the Prime Minister. Today, the government structure includes the following **11 ministries** listed in Article 45 of the same law:

1. Ministry of Education and Research;
2. Ministry of Justice;
3. Ministry of Defense;
4. Ministry of Environment;
5. Ministry of Cultural Affairs;
6. Ministry of Rural Affairs;
7. Ministry of Economic Affairs and Communications;
8. Ministry of Finance;
9. Ministry of Interior;
10. Ministry of Social Affairs;

11. Ministry of Foreign Affairs.

Ministers without portfolio are sometimes appointed. In addition to the ministers, the Government Office, which assists the prime minister in organizing Government operations, the 15 city municipalities or county governments, and the executive agencies, inspectorates and their regional offices operating under the umbrella of each of the ministries, are attached to the government ¹⁸.

Agencies and other administrative structures

While the ministries formulate the policies, the subordinate bodies are responsible for their implementation. In this sense, executive power is shared between central and local government. However, the country remains highly centralized ¹⁹.

Art. 38 of the Law on the Government of the Republic specifies the two main types of structures used by the executive authority:

- 1) **government bodies** (valitsusasutused);
- 2) **public bodies managed by government bodies** (valitsusasutuste hallatavad riigiasutused).

Analysis from 2012 ²⁰ identifies two other types of institutions, but for the purposes of this analysis they are not of leading importance. These are **public institutions**, which are established by law to serve the public interest (schools, associations, insurance funds, etc.), and **private law bodies**.

Government bodies include ministries, county governments, **executive agencies** (ametid) and **inspectorates** (inspektsioonid). All of them are financed from the state budget and do not have legal personality. The executive agencies and inspectorates are under the direct supervision of the ministry to which they belong, and while the former have the opportunity to assist the ministry in formulating a policy, the latter focuses mainly on regulating processes in a given area according to applicable regulations. The positioning of government bodies implies a high degree of dependence, especially in cases where they operate under the auspices of a ministry. The mechanisms for exercising control over this type of organization are many and among the most common are the determination of the annual budget, strategic work plans, which are prepared jointly with the relevant ministry, and the appointment of leadership, which is again done by the competent minister. ²¹

¹⁸Pesti, C., Randma-Liiv, T. (2018, European Commission) Public administration characteristics and performance in EU28: Estonia

¹⁹Pesti, C., Randma-Liiv, T. (2018, European Commission) Public administration characteristics and performance in EU28: Estonia

²⁰Sarapuu, K. (2012, Palgrave Macmillan) - Government Agencies: Practices and Lessons from 30 Countries (Estonia)

²¹Sarapuu, K. (2012, Palgrave Macmillan) - Government Agencies: Practices and Lessons from 30 Countries (Estonia)

State bodies (or state agencies) managed by government bodies (valitsusasutuste hallatavad riigiasutused) are also financed from the state budget, but their main function is mainly related to the implementation of such policies that serve government institutions. This type of structures are most common in areas such as culture, education, research, medicine and others. The autonomy in their management varies depending on their mission. In their case, the ministry under whose auspices they operate applies controls such as ex-post evaluation, but their financial dependence remains strong.²²

Conclusions and practices applicable to Bulgaria

The role of the ministries in Estonia is leading in the administrative management of the country, as they are responsible for the overall organization, functioning and financing of the other executive structures without the rank of ministries. In this sense, a large part of the political-administrative issues are resolved at the ministerial level. Thus, although the idea of a highly centralized public administration is not accepted with much indifference by most European countries, in the Estonian case this concept proved to work well. This is partly due to the small territory and population, and partly due to the constant sharing of experience and informal communication between the different administrations.²³

However, the main problems, according to some authors, remain²⁴. They are related to the lack of good horizontal coordination - a consequence of the struggle between the ministries to influence the overall government policy and differences in their practices both in terms of organization and the effectiveness of the administrative structures supporting them.

2.1.7 Institutional framework in the Republic of Ireland

Online databases and other information sources

The electronic Irish Statute Book (eISB) - an online platform for accessing acts of the Irish Parliament and other regulations - <http://www.irishstatutebook.ie/>

Electronic portal for access to the Official Journal of Ireland - <https://www.irisoifigiuil.ie/>

Central portal for state services and information - <https://www.gov.ie/>

Irish Public Administration Database - <http://www.isad.ie/>

Website with information on the ongoing civil service reforms in the period 2011-2016 - <https://www.reformplan.per.gov.ie/2014/downloads/downloads.html>

Actual data: 01.07.2021

Regulatory framework

The Constitution of Ireland, adopted in 1937 and last amended in 2018, and the **Act on Ministers and Secretaries** of 1924 set out the legal framework under which the country's executive should operate.

²²Sarapuu, K. (2012, Palgrave Macmillan) - Government Agencies: Practices and Lessons from 30 Countries (Estonia)

²³Pesti, C., Randma-Liiv, T. (2018, European Commission) Public administration characteristics and performance in EU28: Estonia

²⁴Sarapuu, K. (2012, Palgrave Macmillan) - Government Agencies: Practices and Lessons from 30 Countries (Estonia)

There is no other legal classification that determines the type or structure of the central administration below the ministerial level ²⁵.

Ministries

According to the provisions of Art. 28 of the Constitution, a minimum of 7 and a maximum of 15 Ministers of Government may be appointed. However, they can be assisted in the performance of their functions and duties by Ministers of State. The government is headed by the prime minister (Taoiseach), while one minister can be responsible for more than one department.

To date, the executive authority in the Republic of Ireland is divided between **17 Ministries and one Department of the Prime Minister, while the entire government consists of 15 people, including the Prime Minister:**

1. Department of the Prime Minister;
2. Ministry of Agriculture, Food and Maritime Affairs;
3. Ministry of Children, Equality, Disabilities, Integration and Youth;
4. Department of Defense;
5. Ministry of Education;
6. Ministry of Enterprise, Trade and Employment;
7. Ministry of Finance;
8. Ministry of Foreign Affairs;
9. Ministry of Continuing and Higher Education, Research, Innovation and Science;
10. Ministry of Health;
11. Ministry of Housing, Local Government and Heritage;
12. Department of Justice;
13. Ministry of Public Expenditure and Reform;
14. Ministry of Rural Development and Community;
15. Ministry of Social Protection;
16. Ministry of Environment, Climate and Communications;

²⁵MacCarthaigh, M., Boyle, R. (2012, Palgrave Macmillan) - Government Agencies: Practices and Lessons from 30 Countries (Ireland)

17. Ministry of Tourism, Culture, Arts, Irish Language, Sport and Media;

18. Ministry of Transport.

Government ministers are collectively responsible for the actions of the government as a whole, and each minister is responsible for the actions of the institutions within the department he heads, as the departments (ministries) themselves do not have legal personality.

Agencies and other administrative structures

In Ireland, there are two main areas of public administration:

- **Public Service** - applies to the entire public administration. Its employees are appointed by members of the government to serve the community;
- **Civil Service of the Government and the State** - it employs government-appointed officials in order for the government and the state to fulfill their obligations to society and to be of maximum benefit to the rest of the public administration and citizens. ²⁶.

The central executive power participates more actively in the settlement of relations between the state and the citizens in areas such as education, water supply, healthcare, protection of public order and others. ²⁷This is due to the low degree of autonomy enjoyed by the institutions entrusted with specific functions by the government and the strict supervision of their activities by the ministers.

The category in which the government places these institutions is agencies. Although most of them are structurally separated from the ministries, in practice they are in a strong hierarchical relationship. This is due to the fact that ministers are individually or collectively responsible for each of the agencies. Thus, the latter are often under constant ministerial supervision, while at the same time relying mainly on the funds provided by the ministry to operate according to public expectations.

Although there is no legislation defining the administrative organization and the types of institutions of which it is composed, according to the analysis of Hardiman, Niamh, Muiris MacCarthaigh and Colin Scott ²⁸, whose product is the Irish Public Administration Database ²⁹, there are the following **4 main types institutions of the central executive power without the rank of ministries:**

²⁶The State Civil Service consists of secretaries general who advise individual ministers, and the State Civil Service includes various specialized institutions such as the Presidential, the Central Statistical Bureau, the Head of the Prosecutor's Office and others.

²⁷Boyle, R. (2018, European Commission) Public administration characteristics and performance in EU28: Ireland

²⁸MacCarthaigh, M., Boyle, R. (2012, Palgrave Macmillan) - Government Agencies: Practices and Lessons from 30 Countries (Ireland)

²⁹Hardiman, Niamh, Muiris MacCarthaigh, and Colin Scott. Year. The Irish State Administration Database. <http://www.isad.ie>. Date of access.

- 1) **Executive agencies that do not have independent legal personality;**
- 2) **Statutory extra-ministerial (extra-ministerial) bodies;**
- 3) **Illegally established non-departmental bodies;**
- 4) **Constitutional, governmental and other statutory services.**

With the help of this register, the current study found that today there are several other types of structures in the Irish public administration, led by the legislative corporations.

Conclusions and practices applicable to Bulgaria

In order for the structure of the state administration to be clear, logical and, last but not least, effective, it is necessary to have normatively defined criteria for establishing, managing, operating and reporting different types of agencies, etc. This would improve the quality of their services and would increase public confidence in the entire administration, which operates on the basis of statutory transparent rules.

The existence of a reasonable number of institutions whose activities, efficiency and effectiveness should be regularly monitored by the competent authorities seems particularly important to the Irish Government. It is carrying out several reforms within the public³⁰ and civil service³¹. The plan focuses on an analysis of each agency's mandate, its relationship with ministries and the real need for its existence. Finding answers to these questions is a prerequisite for any reform of public administration.

In addition, to ensure a gradual shift towards the expected results, the Irish Government has set up a specialized agency in this area - the Ministry of Public Expenditure and Reform - to be responsible for spending, modernizing and upgrading the public administration sector. degree of coordination between all institutions and stakeholders in the implementation of the reform.

2.1.8 Institutional framework in the Kingdom of Spain

Online databases and other information sources

Portal for online access to Spanish legislation - <http://www.boe.es/buscar/legislacion.php>

Web portal for access to information on ministries and other public institutions - <https://administracion.gob.es/>

Actual data: 04.07.2021

Regulatory framework

Spanish Constitution of 1978 defines the legal order in the country and the separation of powers, taking into account the existence of the so-called autonomous regions (las

³⁰Public Service Reform - <https://www.reformplan.per.gov.ie/2014/downloads/downloads.html>

³¹Civil Service Reform - <https://www.gov.ie/en/policy-information/fd9c03-civil-service-renewal/>

Comunidades Autónomas). Although the latter have their own governments and parliaments, the Constitution contains such powers that are explicitly vested in the state in the face of the central executive authority - the government. These include foreign policy, regulation of standards, general planning of economic activity, promotion of research, coordination to protect public health, as well as proposing legislation related to public administration, communication channels, education, weapons and more.

Regarding the legislation that deals with the structure of the central executive power and its administration - the following two key laws can be mentioned:

- **Law 50/1997 of 27 November on the Government;**
- **Law 40/2015 of 1 October on the legal regime of the public sector.**

Ministries

According to the provisions of Part IV of the Constitution, the government consists of a prime minister, deputy prime ministers and ministers. In turn, Law 40/2015 and Law 50/1997 regulate the structure and relations within the General State Administration (La Administración General del Estado), which includes ministries and their supporting institutions - part of their administration.

Royal Decree 2/2020 of 12 January restructuring the ministries lists the names and outlines the structure of each of the **22 ministries** that exist today, **headed by the Office of the Prime Minister:**

1. Office of the Prime Minister;
2. Department of Defense;
3. Ministry of Interior;
4. Department of Justice;
5. Ministry of Culture and Sports;
6. Ministry of Territorial Policy and Civil Service;
7. Ministry of Education and Vocational Training;
8. Ministry of Agriculture, Fisheries and Food;
9. Ministry of Finance ³²;
10. Ministry of Foreign Affairs, European Union and Cooperation;

³²Also Government Spokesperson (Portavoz del Gobierno de España / Spokesperson of the Government).

11. Ministry of Industry, Trade and Tourism;
12. Ministry of Inclusion, Social Security and Migration;
13. Ministry of Labor and Social Economy;
14. Ministry of Economy and Digital Transformation;
15. Ministry of the Presidency, Relations with the Courts and Democratic Memory;
16. Ministry of Transport, Mobility and Urban Program;
17. Ministry of Equality;
18. Ministry of Ecological Transition and Demographic Challenge;
19. Ministry of Science and Innovation;
20. Ministry of Health;
21. Ministry of Social Rights and Program 2030;
22. Ministry of Consumption;
23. Ministry of Universities.

Agencies and other administrative structures

Art. 2 of Law 40/2015 specifies the main categories of administrations in the public sector. In addition to the administrations of the autonomous communities and the entities that make up the local administration, the law regulates the ways of establishing and the general rules for the functioning of the so-called institutional public sector (El sector público institucional). According to Art. 84 of the same law this sector consists of:

a) Public bodies affiliated with or dependent on the General State Administration and classified as:

- 1) Autonomous bodies** - subjects of public law with their own legal personality, budget, assets and autonomous management, which perform activities related to development, management of public resources and the provision of services in the public interest;
- 2) Public entities** - entities governed by public law with their own legal personality, assets and autonomous management, most of which are financed by market revenues and which, together with the exercise of administrative powers, develop and manage public resources to provide specific services or goods;

3) **Government agencies** - public legal entities with public legal personality, own assets and autonomous management, authorized to exercise specific administrative powers in order to popularize and further develop the policies applied by the government;

b) Independent administrative bodies - subjects of public law, which are related to the General State Administration and have their own legal personality, have regulatory or supervisory functions within specific economic sectors, requiring their functional independence;

- c) State commercial companies;
- d) Consortia;
- e) Public sector foundations;
- f) Funds without legal personality;
- g) Non-transferred public universities.

Conclusions and practices applicable to Bulgaria

Unlike many other countries and similar to Bulgaria, Spain has extremely detailed legislation governing the organization and relationships in public administration. Clear regulations are a prerequisite for a high degree of transparency, good coordination between institutions and the overall efficiency of the public sector.

On the other hand, the leading role of the Ministry of Finance can be noted here - a key partner of other ministries in achieving their own goals, which organizes, allocates and coordinates the resources available in the treasury according to national priorities.

2.1.9 Institutional framework in the Italian Republic

Online databases and other information sources

Online portal for access to Italian legislation - <https://www.normattiva.it/>

Official website of the Italian government - <https://www.governo.it/>

Actual data: 05.07.2021

Regulatory framework

The Italian Constitution of 1947 establishes the division and interaction between the three types of power - legislative, executive and judicial - stipulating that the latter belongs to the Council of Ministers (Consiglio dei Ministri) headed by the Prime Minister.

Although the structure of the public administration at the central level is not strictly regulated within a single normative document, there are several key acts that set out the general

(for the whole country) rules concerning the functioning of the public sector. These are for example:

- **The Act of 15 March 1997, № 59;**
- **The Act of 15 May 1997, № 127;**
- **Legislative Decree of 30 July 1999, № 300;**
- **Legislative Decree of 14 March 2013, № 33;**
- **The Act of 7 August 2015, № 124.**

Ministries

The government has regulatory powers closely related to the areas in which it has the right of legislative initiative, such as foreign policy, immigration, security and defense, financial and tax policy, public administration, general education standards, social welfare, environmental protection, cultural protection, heritage, etc.

Today, the Italian government consists of **1 office of prime minister, 15 ministries and 8 ministers without portfolios:**

1. Chairmanship of the Council of Ministers (Office of the Prime Minister);
2. Ministry of Foreign Affairs and International Cooperation;
3. Ministry of Interior;
4. Department of Justice;
5. Department of Defense;
6. Ministry of Economy and Finance;
7. Ministry of Economic Development;
8. Ministry of Agricultural, Food and Forestry Policy;
9. Ministry of Ecological Transition;
10. Ministry of Sustainable Infrastructure and Mobility;
11. Ministry of Labor and Social Policy;
12. Ministry of Education;
13. Ministry of Universities and Research;
14. Ministry of Culture;

15. Ministry of Health;
16. Ministry of Tourism;
17. Minister without portfolio of relations with Parliament;
18. Minister without portfolio of the public administration;
19. Minister without Portfolio for Regional Affairs and Autonomies;
20. Minister without Portfolio of Southern and Territorial Cohesion;
21. Minister without a portfolio of youth policy;
22. Minister without portfolio of equal opportunities and family;
23. Minister without Portfolio of Technological Innovation and Digital Transition;
24. Minister without portfolio of people with disabilities.

In the performance of his duties, the Prime Minister and most of the ministers are supported by the so-called **Undersecretaries of State or Secretaries of State** ³³.

Agencies and other administrative structures

Pursuant to a Legislative Decree of 14 March 2013, № 33 each ministry published on its official website information on the structures under its control. In the general case, the section "Amministrazione trasparente - Enti controllati" lists the following **three types of structures**:

- 1) Controlled public bodies;
- 2) Controlled private law entities;
- 3) Companies with state participation.

Conclusions and practices applicable to Bulgaria

Although reforms in the Italian public sector have focused on decentralization and the transfer of more and more administrative activities to regional and municipal services, the need for centralized management and coordination at a higher level has emerged in recent years. According to researchers, this is due both to the need to ensure harmonized action on issues and problems of a national nature, and the importance of a reasonable and fair distribution of available financial resources ³⁴.

³³ <https://www.governo.it/it/ministri-e-sottosegretari>

³⁴ Cepiku, D. (2018, European Commission) Public administration characteristics and performance in EU28: Italy

2.1.10 Institutional framework in the Republic of Cyprus

Online databases and other information sources

Online portal for free access to Cypriot legislation - <http://www.cylaw.org/>
Official website of the Cypriot government - <http://www.cyprus.gov.cy/>
Online portal of the Department of Public Administration and Personnel at the Ministry of Finance - https://www.mof.gov.cy/mof/papd/papd.nsf/index_gr/index_gr?OpenDocument

Actual data: 07.07.2021

Regulatory framework

Being a presidential republic, according to **the Constitution of Cyprus** of 1960 and in particular - Art. 46, the executive power in the country is entrusted to the president and his deputy. However, in order to effectively exercise their powers in the many areas of government, they are assisted by the Council of Ministers.

Part VII of the Basic Law sets out the general rules for the functioning of the public service, and the specific rules on the manner of formation and operation of a structure by the executive administration are described in detail in the law establishing it.

Ministries

According to the provisions of the Constitution of Cyprus, the Council of Ministers is chaired by the President of Cyprus, and the ministers manage the departments entrusted to him, enforcing the country's laws and implementing government policies.

Today, the Cypriot government consists of the following **10 ministries**:

1. Department of Defense;
2. Ministry of Agriculture, Rural Development and Environment;
3. Ministry of Justice and Public Order;
4. Ministry of Foreign Affairs;
5. Ministry of Labor, Welfare and Social Security;
6. Ministry of Interior;
7. Ministry of Finance;
8. Ministry of Education, Culture, Sports and Youth;
9. Ministry of Transport, Communications and Construction;
10. Ministry of Health.

In addition, **3 more ministry-like but lower-ranking structures (Υφυπουργείο) have been set up, headed by deputy ministers:**

- Deputy Minister of Research, Innovation and Digital Policy;
- Deputy Minister of Shipping;
- Deputy Minister of Tourism.

Finally, it should be noted that a member of the Council of Ministers is also its secretary. He heads the Secretariat of the Council of Ministers, assisting the President in organizing and chairing the weekly meetings.

Agencies and other administrative structures

Due to its small territory and population of less than 1 million people, the Republic of Cyprus has only two levels of government - central and local (municipal). The country's governance is highly centralized, with **much of the public service and general administrative services are provided at the central level by the ministries or structures that directly support the work of the latter.**³⁵

Conclusions and practices applicable to Bulgaria

In the context of the principles underlying the concept of good governance, the idea of a highly centralized executive authority is not to the liking of modern European citizens. For this reason, in 2013 the Cypriot government set up a specialized unit based on the reform of public sector decentralization and the gradual development of the administration in the direction of existing trends in the field with the participation of a wide range of stakeholders. Although no concrete and particularly important changes can be identified today, it can be argued that the country has a solid foundation and many experts (not just government) to assist the government in analyzing the current situation and opportunities for its future improvement.³⁶

2.1.11 Institutional framework in the Republic of Latvia

Online databases and other information sources

Online portal for the electronic editions of the Official Gazette of the Republic of Latvia - <https://www.vestnesis.lv/>

Website for free and systematic access to Latvian legislation - <https://likumi.lv/>

Official website of the Latvian government - <https://www.mk.gov.lv/lv>

³⁵Mallouppas, A., Stylianides, T. (2018, European Commission) Public administration characteristics and performance in EU28: Cyprus

³⁶Mallouppas, A., Stylianides, T. (2018, European Commission) Public administration characteristics and performance in EU28: Cyprus

Actual data: 08.08.2021

Regulatory framework

According to Chapter IV of the **Constitution of the Republic of Latvia** of 1922, the executive power in the country belongs to the Cabinet of Ministers of the Republic of Latvia. Art. 55 points out that the cabinet is headed by a prime minister, who elects the rest of the government - the ministers. Art. 57 and 58 draw particular attention to ministerial portfolios and their supporting administrations, noting that the number and responsibilities of ministries are set out in a separate law, and that other state administrative structures are under the leadership of the cabinet.

To date, the following laws are directly applicable in the country with a direct bearing on the structuring of the executive authority at the central level:

- **Law on the Structure of the State Administration of 2002;**
- **Cabinet Structure Act 2008;**
- **Procedure for establishing a structure of an institution by the public administration from 2010.**

Ministries

According to Art. 53 of the Constitution of Latvia, the President is not politically responsible for the performance of his duties and since all his orders are also signed by the Prime Minister or the competent Minister, in practice the executive power is exercised entirely by the government.

The central administrative authority has exclusive powers in areas such as public order, energy, healthcare, telecommunications, higher education, science, taxation, foreign policy and security. Other issues, such as those related to spatial planning, public transport, the economy and culture, are addressed jointly with the lower levels of government, regional and local authorities.

Art. 5, para. 1 of the Law on the Structure of the Cabinet stipulates that the composition of the government should include **the Prime Minister and 13 other ministers**. Al. 2, however, states that the composition may be supplemented by one or more Deputy Prime Ministers and/or Ministers with special tasks. Thus, today's cabinet consists of:

1. Prime Minister;
2. Deputy Prime Minister and Minister of Defense;
3. Deputy Prime Minister and Minister of Justice;
4. Minister of Foreign Affairs;
5. Minister of Finance;



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6. Minister of Economy;
7. Minister of the Interior;
8. Minister of Education and Science;
9. Minister of Culture;
10. Minister of Welfare;
11. Minister of Transport;
12. Minister of Health;
13. Minister of Agriculture;
14. Minister of Environmental Protection and Regional Development.

In each of the ministries, two levels of government can be identified - political and administrative. The first level consists of a politically appointed minister and his political cabinet. At the head of the administrative level is the Secretary of State and his subordinate units with administrative staff.³⁷

Agencies and other administrative structures

The division of responsibilities between the central, regional and local levels of government is described in detail in national legislation, and the concept of the existing organization stems from the idea of policy formulation within the competent ministry and its subsequent implementation by administrative structures supporting its work.

According to the Law on the Structure of the State Administration in the country, there are the following two main types of administrations ³⁸:

- 1) direct administration (tiešā pārvalde) -** institutions and officials who are paramount public entities. This group includes ministries, subordinate institutions and government agencies. In view of the political responsibility borne by each of the cabinet ministers, which is directly linked to the effectiveness of the public bodies operating under his auspices, the latter are subject to direct control (for example, by issuing an order to a lower institution, revoking its decision) and direct supervision (the Ministry has the right to verify the legality of decisions taken by the lower institution);

³⁷Reinholde, I. (2018, European Commission) Public administration characteristics and performance in EU28: Latvia

³⁸Reinholde, I. (2018, European Commission) Public administration characteristics and performance in EU28: Latvia

- 2) **indirect administration (pastarpinātā pārvalde)** - institutions and officials derived from primary public figures. These include local municipalities, municipal agencies, municipal enterprises and state universities.

Taking into account the definitions of these two categories, it should be borne in mind that for the most part the present study contains institutions of direct administration. However, it was not possible to make a clear distinction between the institutions studied and therefore we used the universal classification - Institutions under the umbrella of...

Conclusions and practices applicable to Bulgaria

Like some of the other countries, over the years Latvia has managed to establish its own "center" within the government or, in particular, within the executive authority. Here it consists of the State Chancellery, the Interdepartmental Coordination Center, the Prime Minister's Office and the Ministry of Finance ³⁹. In the interaction of the institutions in this conditional center, the justified need for joint decision-making by political actors and state experts is easily noticed. This ensures the availability of both strategically oriented skills to overall governance and purely procedural skills and qualities to improve horizontal coordination between all stakeholders, institutions and citizens.

In this context, the establishment of a specialized agency similar to the Inter-Ministerial Coordination Center, whose mission is to ensure a higher degree of cooperation and dialogue between individual public authorities, should not only contribute to the harmonization and correct evaluation of public policies, but also contribute to greater continuity in the work of all political and administrative entities and their functioning in accordance with public expectations and needs.

2.1.12 Institutional framework in the Republic of Lithuania

Online databases and other information sources

Register of legal acts - <https://www.e-tar.lt/portal/lt/index>
Lithuanian Parliament Legislation Database - <https://e-seimas.lrs.lt/portal/documentSearch/lt>
Official website of the Lithuanian government - <https://lrv.lt/>

Actual data: August 10, 2021

Regulatory framework

The Constitution of the Republic of Lithuania states that executive power belongs to the President and the Government, consisting of the Prime Minister and the ministers forming the Council of Ministers. Art. 84 lists the cases in which active participation and actions on the

³⁹Reinholde, I. (2018, European Commission) Public administration characteristics and performance in EU28: Latvia

part of the President are required, while Art. 94 regulates the cases of interference falling within the competence of the government.

The normative regulation, which regulates the public administration sector and the scope of the executive power, can be conditionally divided into two parts.

The first includes those legal acts that contain more general provisions on the concept of organization, management and functioning of the state administration:

- **Law on the Government of the Republic of Lithuania of 1994** - formulates the rules for forming and withdrawing the government, the competencies of its members, as well as the main types of bodies and the purposes for which they may be established, under the auspices of a ministry;
- **Decree approving the Rules of Procedure of the Government of the Republic of Lithuania of 1994;**
- **Law on Public Administration of the Republic of Lithuania of 1999** - defines the subjects of public administration, the principles on which their activity should be based, as well as the rules related to administrative regulation, regulates the conditions for the provision of public services, internal administrative management of the institutions, proposes guidelines to the bodies of the public administration in the handling of complaints;
- **Law on the Civil Service of the Republic of Lithuania since 2012** - formulates the rules on the recruitment, evaluation, promotion, remuneration and dismissal of civil servants.

The second group of legal acts consists of the following laws, which regulate in more detail the ways of organizing and functioning of the four main types of institutions recognized by the state as key to its overall governance:

- **Budget Structure Act of 1990;**
- **Charity and Sponsorship Act 1993;**
- **State and Municipal Enterprises Act 1994;**
- **Public Institutions Act 1996**

For the purposes of this study, priority should be given to the institutions covered by the first and last of these four laws, as they determine the conditions for the establishment and operation of the two leading types of public organizations assisting the state in performing its main functions and tasks.

Ministries

The division of responsibilities between the president and the government in the context of the executive authority applies the following logic - the president, being head of state and

commander in chief, is responsible for the development of foreign policy and national security. He appointed the prime minister and subsequently the other cabinet ministers, as well as a number of other senior government officials and judges. The Prime Minister, on the other hand, is responsible for public order in the country and domestic policy, the implementation of laws and parliamentary decisions, presidential decrees and more.

Today's Lithuanian government consists of the following **14 ministries**:

1. Ministry of Environment;
2. Ministry of Energy;
3. Ministry of Economy and Innovation;
4. Ministry of Finance;
5. Ministry of National Defense;
6. Ministry of Culture;
7. Ministry of Social Security and Labor;
8. Ministry of Transport and Communications;
9. Ministry of Health;
10. Ministry of Education, Science and Sports;
11. Department of Justice;
12. Ministry of Foreign Affairs;
13. Ministry of Interior;
14. Ministry of Agriculture.

In their work, the ministers are assisted by the Government Office of the Republic of Lithuania. It is also a budgetary institution set up by the government to support the performance of its functions. It is headed by the Chancellor of the Government and is at the center of the coordination mechanism - between the individual ministries and their supporting structures. Other key participants in this mechanism are the Ministry of Finance as the leading institution in the preparation and implementation of the state budget and the Ministry of Interior as the institution responsible for the overall management of the public administration in the country.⁴⁰

⁴⁰Nakrošis, V. (2018, European Commission) Public administration characteristics and performance in EU28: Lithuania

Agencies and other administrative structures

According to an analysis of the EC from 2018,⁴¹ there are the following three main types of structures in the country:

- 1) state budget institutions** - public legal entities, legal entities implementing state or local policies, financed from the state budget or the municipal budget, as well as from other state monetary funds (see Law on Budget Structure)⁴²;
- 2) non-profit public institutions** - public legal entities, legal entities whose functions are aimed at meeting the needs of society by carrying out various activities in areas such as education, science, culture, health, environment, social and legal assistance, etc. (see Public Institutions Act)⁴³;
- 3) state-owned enterprises** - public legal entities, legal entities whose purpose is to provide public services, produce products and / or perform other activities through the management of state property (see Law on State and Municipal Enterprises)⁴⁴.

According to the same authors, the level of autonomy of these types of structures depends on the political importance of the respective field in which they operate and their legal status. On the other hand, inter-institutional action plans, which pool the resources of individual state institutions in order to achieve common horizontal objectives, are one of the main tools used in the organization of public administration by the dedicated coordination center. In this way, the movement towards the priorities defined at the national level is guaranteed, regardless of the type and financial capacity of the institutions.⁴⁵

Conclusions and practices applicable to Bulgaria

The structures of the state administration and the management processes in the Republic of Lithuania are decentralized. However, in recent years, attempts have been made to centralize them, in particular decision-making at government level, with a view to a more consolidated and harmonized approach to the implementation of public policies⁴⁶. However, as the existence of a clearly formulated, detailed and democratic regulatory framework in the country is a fact,

⁴¹Nakrošis, V. (2018, European Commission) Public administration characteristics and performance in EU28: Lithuania

⁴²Nakrošis, V., Žilvinas, M. (2012, Palgrave Macmillan) - Government Agencies: Practices and Lessons from 30 Countries (Lithuania)

⁴³Nakrošis, V., Žilvinas, M. (2012, Palgrave Macmillan) - Government Agencies: Practices and Lessons from 30 Countries (Lithuania)

⁴⁴Nakrošis, V., Žilvinas, M. (2012, Palgrave Macmillan) - Government Agencies: Practices and Lessons from 30 Countries (Lithuania)

⁴⁵Nakrošis, V. (2018, European Commission) Public administration characteristics and performance in EU28: Lithuania

⁴⁶Nakrošis, V. (2018, European Commission) Public administration characteristics and performance in EU28: Lithuania

most of the attempts to change the functioning of individual administrative structures focus on the use of new mechanisms for effective and efficient management of individual institutions⁴⁷.

These modern tools include audit and oversight. In this regard, the following two institutions have been established in the country, providing the necessary expertise - the National Audit Office and the Parliamentary Ombudsman's Office. While the former is responsible for monitoring the legal and efficient use of state property and the budget, the latter seeks to ensure that public authorities work in the public interest. The Office of the Ombudsman provides non-binding conclusions and recommendations in response to formal complaints from citizens and helps to improve public administration in the context of changing societal needs and attitudes. In addition, it can conduct investigations on its own initiative, focusing on human rights violations.⁴⁸

By concentrating its efforts on improving the quality of work in the public administration, the Republic of Lithuania enables its citizens to participate actively and directly in the governance of the country. Along with facilitated access to information on political-administrative processes, the pursuit of transparent and results-oriented governance, focused mainly on results, contributes to increasing the credibility and efficiency of Lithuanian public structures.

2.1.13 Institutional framework in the Grand Duchy of Luxembourg

Online databases and other information sources

Online legislative portal of the Luxembourg government - <https://legilux.public.lu/>
Official portal of the Grand Duchy of Luxembourg - <https://luxembourg.public.lu/>
Directory with links to the official websites of public bodies and services - <https://etat.public.lu/fr.html>
Government portal of - <https://gouvernement.lu/>
Online portal for access to information, procedures and services offered by the Luxembourg public authorities - <https://guichet.public.lu/>

Actual data: 09.07.2021

Regulatory framework

The Constitution of the Grand Duchy of Luxembourg was adopted in 1868 and stipulates that the executive power in the country belongs to the Grand Duke. In practice, however, this task is entrusted to the government, which consists of a prime minister and members who are ministers, delegated ministers or secretaries of state. In addition to being responsible for the correct application of the law, the government has the right of legislative initiative in areas of national interest and may exercise its administrative powers in all cases except those specified by law.

⁴⁷Nakrošis, V., Žilvinas, M. (2012, Palgrave Macmillan) - Government Agencies: Practices and Lessons from 30 Countries (Lithuania)

⁴⁸Nakrošis, V. (2018, European Commission) Public administration characteristics and performance in EU28: Lithuania

Luxembourg is a centralized country without an intermediate level of government. The only decentralized level of government are the 105 municipalities, whose territorial and fiscal autonomy is enshrined in the Constitution.⁴⁹ However, most of the decisions made by the municipalities are subject to approval by the Grand Duke or the government, and in addition - the municipalities are directly related to the central government through most administrative processes and aspects of the implementation of various national policies.

Ministries

As an executive body, the government is responsible for creating favorable conditions for the effective implementation of Luxembourg laws, regulations, decrees, and overall public order. Each member of the government manages and is responsible for one or more departments.

According to the Decree of the Grand Duke of 5 December 2018 defining the ministries, today the Luxembourg government consists of a prime minister, two deputy prime ministers and the following **24 ministries**:

1. Ministry of State⁵⁰;
2. Ministry of Foreign Affairs and European Affairs;
3. Ministry of Agriculture, Viticulture and Rural Development;
4. Ministry of Culture;
5. Ministry of Digitalization;
6. Ministry of Economy;
7. Ministry of Education, Children and Youth;
8. Ministry of Equality between Women and Men;
9. Ministry of Energy and Spatial Planning;
10. Ministry of Higher Education and Research;
11. Ministry of Environment, Climate and Sustainable Development;
12. Ministry of Family Affairs, Integration and the Greater Region;
13. Ministry of Finance;

⁴⁹Bossaert, D. (2018, European Commission) Public administration characteristics and performance in EU28: Luxembourg

⁵⁰It is headed by the Prime Minister.

14. Ministry of Civil Service;
15. Ministry of Interior;
16. Department of Justice;
17. Ministry of Housing;
18. Ministry of Mobility and Public Works;
19. Ministry of Consumer Protection;
20. Ministry of Health;
21. Ministry of Internal Security;
22. Ministry of Social Security;
23. Ministry of Sports;
24. Ministry of Labor, Employment and Social and Solidarity Economy.

Agencies and other administrative structures

According to the 2018 EC analysis,⁵¹ the Luxembourg government is mainly supported by the following three types of administrative structures with different levels of managerial autonomy:

- 1) **General services (services généraux)** - they are directly responsible for a ministry. They are not legal entities, but have some managerial autonomy, regulated by a legal act including a description of their duties and responsibilities;
- 2) **Services with a separate management structure (service à gestion séparée)** - they are responsible for generating their own budget;
- 3) **Public agencies (établissements publics)** - they are decentralized public services and legal entities that have a higher degree of managerial flexibility and financial autonomy than the first two types of administrations. Public agencies are empowered by law to manage specific public services in the interests of citizens, and although the Minister is not directly responsible for the day-to-day operation of these bodies, he is indirectly responsible for their overall management effectiveness.

⁵¹Bossaert, D. (2018, European Commission) Public administration characteristics and performance in EU28: Luxembourg

Conclusions and practices applicable to Bulgaria

Although much of the political decision-making in the Grand Duchy of Luxembourg is taken and implemented on a top-down basis, the very way in which ministerial structures work is extremely pragmatic, involving all stakeholders and applying many formal and informal practices.

In addition, in each of the ministries there is a special directorate - Direction du contrôle financier, which exercises direct financial control over the decisions and actions of the institution. The employees working there are independent of the management of the ministry, whose finances are the first to monitor and control, and report only to the Ministry of Finance.⁵² Although this practice has been similarly transferred to the Bulgarian public sphere (the institution of the financial controller), strengthening the role and independence of this mechanism within the Bulgarian administration could lead to an increase in the overall efficiency of the public sector as well as public confidence. in him.

2.1.14 Institutional framework in Malta

Online databases and other information sources

National Legislative Database - <https://legislation.mt/>
Malta's online public service portal - <https://publicservice.gov.mt/en/Pages/Home.aspx>
Online portal for information about the government and government services - <https://www.gov.mt/en/>

Actual data: 11.07.2021

Regulatory framework

According to Chapter VII of **the Maltese Constitution of 1964**, executive power belongs to the President of the Republic. However, within this direction of government, a government is formed, consisting of a cabinet of ministers and parliamentary secretaries. The ministers are entrusted with the management of certain areas of socio-economic life in the country, and the parliamentary secretaries are responsible for the fruitful interaction between the ministers and the MPs.

As for the specific provisions concerning public administration, Chapter X of the Constitution defines Malta as a public service. According to him, it covers the ministries and those departments that are an integral part of the government and in which civil servants are appointed. The other institutions that fall into the public sector, but have their own legal personality and are positioned outside the government structure, are not part of the public service.

⁵²Bossaert, D. (2018, European Commission) Public administration characteristics and performance in EU28: Luxembourg

The Public Administration Act from 2019 defines the values and code of ethics in public administration, establishes the institution of the Segretarju Permanenti Ewlieni ⁵³, specifies the responsibilities of the Segretarji Permanenti, the heads of departments (Kapijiet tad-Dipartimenti), defines the two main types of government structures - government agencies and other government entities.

Ministries

Ministries and departments, which are an integral part of the government structure, constitute the public service and are the engine of the executive authority in Malta. In this sense, in order to ensure responsible and efficient policy-making, the central government is also entitled to a legislative initiative on publicly important topics such as transport, culture, health and utilities.

Today the structure of the government consists of:

1. Office of the Prime Minister;
2. Ministry of Health;
3. Ministry of Foreign Affairs and European Affairs;
4. Ministry of the Elderly and Active Aging;
5. Ministry of Equality, Research and Innovation;
6. Ministry of National Heritage, Arts and Local Self-Government;
7. Ministry of Transport, Infrastructure and Capital Projects;
8. Ministry of Social Justice and Solidarity, Family and Children's Rights;
9. Ministry of Justice and Government;
10. Ministry of Agriculture, Fisheries, Food and Animal Rights;
11. Ministry of Social Accommodation;
12. Ministry of Education;
13. Ministry of Economy and Industry;
14. Ministry of Inclusion and Social Welfare;
15. Ministry of Environment, Climate Change and Planning;

⁵³He manages the public service, taking the necessary actions to improve the work of the administrations and giving guidelines on issues related to the organization and management.

16. Ministry of Gozo Island;
17. Ministry of Interior, National Security and Law Enforcement;
18. Ministry of Tourism and Consumer Protection;
19. Ministry of Energy, Enterprises and Sustainable Development;
20. Ministry of Finance and Employment.

The current government also includes a **minister without portfolio**, who operates under the auspices of the Prime Minister's Office.

Agencies and other administrative structures

According to the Public Administration Act 2019, there are **two main types of structures** that assist the Government of Malta and, in particular, the ministries in carrying out their functions:

- 1) **Government agencies;**
- 2) **Other government entities, including authorities.**

The main characteristics of government agencies are described in detail in Art. 26-34 of the law in question⁵⁴. Art. 35-38 of the same law indicate the main provisions of other authorities, councils and commissions, the general characteristic of which is that they are all under the direct supervision of government secretaries (part of the structure of the competent ministry).

Conclusions and practices applicable to Bulgaria

Maltese legislation in the public sector, and in particular public administration, aims to establish clear boundaries between institutions that are involved in one way or another in the governance of the state (the exercise of executive power). The civil service provisions in the Constitution, together with those in the Public Service Act, make a clear distinction between structures that are in direct hierarchical dependence with government and those that are sufficiently distant from it through various legal mechanisms such as status, mode of appointment of leadership, authority to which they report, funding, etc.

Chapter X of the Constitution constitutes the so-called Public Service Commission (Kummissjoni dwar is-Servizz Pubbliku). It is an independent statutory body that ensures that appointments in the public service are free and non-discriminatory, and that discipline (eg compliance with the code of ethics) is fair and in place. The existence of this commission seems

⁵⁴These characteristics include: the Prime Minister establishes government agencies by order, which is published in the Official Gazette of Malta and in accordance with the Public Administration Act; the government agency is a legal entity with its own legal personality, which can conclude contracts, hire staff, dispose of property for the purposes of its activities, sue and be tried; the management of the government agency is under the general direction and control of the minister under whose auspices it operates.

to close the circle around those structures that fall into the circle of institutions directly dependent on the political orientation and goals of the government.

2.1.15 Institutional framework in the Kingdom of the Netherlands

Online databases and other information sources

Website for information and services of all government organizations in the Kingdom of the Netherlands - <https://www.overheid.nl/>

Joint website of the 12 Ministries in the Kingdom of the Netherlands, which provides information on the laws and policies applied by the executive - <https://www.rijksoverheid.nl/>

Actual data: 14.07.2021

Regulatory framework

According to **the Constitution of the Kingdom of the Netherlands** of 1815, the state is a constitutional monarchy headed by a king or queen. However, their power is very limited and the entire political responsibility for the management of the individual socio-economic sectors lies with the ministers, who together with the king / queen form the government.

Each of the ministers should exercise the powers conferred on him within the executive authority in accordance with the provisions of a special law. The same applies to the cases in which the Minister assigns functions and powers to a public body for the purposes of the implemented policy. The creation of these administrative structures and the burdening of them with certain tasks is done through a legislative act adopted by the parliament.

Ministries

At the central level, the government is responsible for those issues that affect the entire country, such as national infrastructure, public health, education, agriculture, price and income policy, defense and international policy. The Cabinet of Ministers, consisting of ministers and secretaries of state, is in charge of defining the common national policy and the measures for its implementation.

Today, the cabinet includes the heads of the following **12 ministries and three ministers without portfolios**:

1. Ministry of General Affairs ⁵⁵;
2. Ministry of the Interior and Relations in the Kingdom;
3. Ministry of Foreign Affairs;
4. Department of Defense;

⁵⁵The Ministry of General Affairs is headed by the Prime Minister.

5. Ministry of Economy and Climate Policy;
6. Ministry of Finance;
7. Ministry of Infrastructure and Water Management;
8. Ministry of Justice and Security;
9. Ministry of Agriculture, Nature and Food Quality;
10. Ministry of Education, Culture and Science;
11. Ministry of Social Affairs and Employment;
12. Ministry of Health, Welfare and Sports;
13. Minister without portfolio for legal protection;
14. Minister without portfolio of primary and secondary education and media;
15. Minister without portfolio of medical care and sports.

In his work, the Minister may be assisted by one or more Secretaries of State, to whom he assigns part of his duties and whose tasks are detailed and published in the State Gazette. There are **nine secretaries of state** in the current cabinet:

- State Secretary for Infrastructure and Water Management;
- Secretary of State for Justice and Security;
- Secretary of State for Home Affairs and Relations with the Kingdom;
- Secretary of State for Finance - tax issues and tax administration;
- Secretary of State for Finance - Expenditures and Customs;
- Secretary of State for Defense;
- Two Secretaries of State for Economic Affairs and Climate Policy;
- Secretary of State for Health, Welfare and Sports.

Agencies and other administrative structures

Most of the administrative power in the Kingdom of the Netherlands belongs to the central executive. Territorial administrative bodies at the regional and municipal levels have relative autonomy, but at the same time they must comply with the national legal framework and implement government policies formulated by the government.

Within the central executive, there are **two main types of administrative structures** that do not have the rank of ministries. These are:

- 1) **executive agencies (Agentschappen)** - semi-autonomous bodies without legal personality, which fall entirely under the umbrella of a ministry and are accountable to it for their actions. They are at arm's length from the government and do not enjoy much financial autonomy, except for the setting of tariffs for certain services and the possibility of reallocating the budget within their structure. Their budget is determined on an annual basis and is indicated in the so-called management contract, which is concluded between the agency and the ministry under whose auspices it operates. According to the principles of public funding, the agency is obliged to report and prove the correct use of the financial resources provided to it for the initially defined (in the contract) goals and activities.⁵⁶
- 2) **independent administrative bodies (Zelfstandige bestuursorganen / ZBOs)** - are created either by law or are entrusted with certain tasks in accordance with the provisions of a law. They are public bodies which, from a structural point of view, may be constituted as organizations, boards, committees, colleges or councils. Most of them have legal capacity, but at the same time they come under the supervision of a ministry insofar as the ministry is responsible for the policy that is implemented through the relevant body.⁵⁷

Conclusions and practices applicable to Bulgaria

A common practice in the public sector of the Kingdom of the Netherlands is the conclusion of management contracts between the agencies and the ministry under whose auspices they operate. In addition to the tasks assigned to an agency, the contracts also list the performance indicators of its functions and responsibilities, on the basis of which its overall efficiency and effectiveness are subsequently verified. These indicators may include: maintenance costs and number of hours spent in maintenance, indicators related to the payment or collection of any amounts, number of inspections carried out and the amount of fines imposed, time for processing documents and availability of information.⁵⁸

The clear positioning of the different types of administrative structures in the public sector is extremely important, as it contributes to a better understanding of the goals and functions of the respective organization. Although in Bulgaria there is a special Law on Public Administration, which lists the different types of administrative structures, as well as their specific characteristics, it is not possible for it to cover absolutely all cases (of existing administrative structures). In short, although the definitions in it work, they are not exhaustive.

⁵⁶Yesilkagit, K., Thiel, S. Van (2012, Palgrave Macmillan) - Government Agencies: Practices and Lessons from 30 Countries (The Netherlands)

⁵⁷Yesilkagit, K., Thiel, S. Van (2012, Palgrave Macmillan) - Government Agencies: Practices and Lessons from 30 Countries (The Netherlands)

⁵⁸Yesilkagit, K., Thiel, S. Van (2012, Palgrave Macmillan) - Government Agencies: Practices and Lessons from 30 Countries (The Netherlands)

For this reason, the conclusion of autonomous agreements or contracts between established (so far) or to be established (in the future) public bodies and the structures with which they are in some kind of dependence, work together, exchange data, etc., could shed more light on the institutional relationships as well as on the role of each administration in public governance.

2.1.16 Institutional framework in the Republic of Poland

Online databases and other information sources

Official website of the Lower House of the Polish Parliament - <https://www.sejm.gov.pl/>
Official website of the Polish government - <https://www.gov.pl/>

Actual data: 15.08.2021

Regulatory framework

According to Art. 10 para. 2 of **the Constitution of the Republic of Poland** of 1997, the executive power belongs to the President of the Republic of Poland and the Council of Ministers (Rada Ministrów), headed by the Prime Minister. Chapter VI of the Basic Law of the country describes in detail the ways of forming and dissolving the Council of Ministers, as well as its functions. According to Art. 146 he directs the domestic and foreign policy of the country and manages the state administration.

The following two laws are also involved in structuring the administration of the executive authority in Poland, paying particular attention to the types of tasks for which each of the different levels of government in the country is responsible:

- **Law of 8 August 1996 on the Council of Ministers;**
- **Law of 17 May 1990 on the distribution of the tasks and competencies specified in specific acts between the municipal bodies and the bodies of the state administration and on the amendments to certain acts.**

In addition, it should be noted that again according to the Constitution of Poland and in particular - Art. 149 of it - the ministers who make up the government lead a certain branch of state policy and administration, assigned by the Prime Minister. This scope of activity of the individual ministers is determined by another, special law.

Ministries

The Council of Ministers is the collective executive body of the Polish government, which is responsible for drafting and implementing such regulations and policies that affect the entire territory of the country. He is the main pillar of political power, directing foreign policy and state administration, managing the state budget, managing the republican roads and most of the cultural institutions and others.

According to the Constitution, the Council of Ministers is structured by the Prime Minister, who heads the government. Today's Polish cabinet consists of **one prime minister, three deputy prime ministers and 14 ministers, leading the following 15 ministries:**

1. Ministry of State Assets;
2. Ministry of Education and Science;
3. Ministry of Finance;
4. Ministry of Funds and Regional Policy ⁵⁹;
5. Ministry of Infrastructure;
6. Ministry of Climate and Environment;
7. Ministry of Culture, National Heritage and Sports;
8. Ministry of National Defense;
9. Ministry of Family and Social Policy;
10. Ministry of Agriculture and Rural Development;
11. Ministry of Development and Technology;
12. Department of Justice;
13. Ministry of Interior and Administration;
14. Ministry of Foreign Affairs;
15. Ministry of Health.

At the top of each ministry are the politically appointed minister and his deputies, assisted by a special political cabinet consisting of one or more secretaries of state.

The Council of Ministers currently includes the following **five ministers without portfolio:**

- Minister for European Union Affairs;
- Minister, who heads the Cabinet of the Prime Minister;
- Minister responsible for coordination and cooperation between central and local government in the country;

⁵⁹The Ministry of Finance and the Ministry of Funds and Regional Policy are headed by the same Minister of Finance, Funds and Regional Policy.

- Minister, who heads the Standing Committee of the Council of Ministers;
- Minister who supports work on issues related to the protection of rights and European identity.

Agencies and other administrative structures

Government policy is implemented by the Prime Minister, ministers, independent bodies and regional representatives of the Prime Minister and the Council of Ministers (voivodes), which control the district administrations. They are all supported by existing administrations at central level, including the Council of Ministers, ministries, central departments and agencies, the offices of both chambers of the Polish Parliament, inspectorates, etc.⁶⁰

In practice, the central level bodies are structurally dependent on the ministers, as the latter are responsible for appointing and removing the relevant heads and have supervisory powers such as budgeting and monitoring. Budgeting is usually related to the achievement of specific results and their evaluation on the basis of preliminary, current and subsequent calculations. All administrative structures at the central level have their own rules of operation, and each ministry has its own internal audit service, separate from the Supreme Audit Office, which regularly audits.⁶¹

Conclusions and practices applicable to Bulgaria

Poland is among the highly decentralized European countries. However, this often leads to conflicts between different jurisdictions. Thus, although local authorities enjoy an increasing range of competencies and public finances, the effectiveness of the current division of responsibilities between levels of government remains controversial, mainly due to the lack of clarity of responsibilities at lower regional and local levels. In practice, there is no detailed legislation governing the structure and functions of different types of administrations.⁶²

The trend of decentralization continues, with additional efforts at the central level for training, discipline and general improvement of the services provided by local authorities. In this way, the central executive retains its leading role in modernizing the public administration, emphasizing quality.⁶³

In this sense, the contribution of the newly formed institutions and overall concepts on the management of public sector processes should be noted. These include the presence of an internal audit service within each of the ministries in addition to the regular inspections by the Supreme Court of Auditors and the activity of the Polish Ombudsman and the Central Anti-Corruption Bureau. All these institutions remain highly independent regardless of the political situation in the country and thus contribute greatly to the prevention of irregularities in the

⁶⁰Mazur, S., Możdżeń, M., Oramus, M. (2018, European Commission) Public administration characteristics and performance in EU28: Poland

⁶¹Mazur, S., Możdżeń, M., Oramus, M. (2018, European Commission) Public administration characteristics and performance in EU28: Poland

⁶²Mazur, S., Możdżeń, M., Oramus, M. (2018, European Commission) Public administration characteristics and performance in EU28: Poland

⁶³Mazur, S., Możdżeń, M., Oramus, M. (2018, European Commission) Public administration characteristics and performance in EU28: Poland

management of public funds, as well as to the overall development of Poland in accordance with international requirements, standards and trends.

2.1.17 Institutional framework in the Portuguese Republic

Online databases and other information sources

Website of the Official Gazette of the Republic (Diário da República) - <https://dre.pt/>
Official website of the 22nd Government of the Portuguese Republic - <https://www.portugal.gov.pt/pt/gc22>
Official website of the Directorate-General for Administration and Core Structure of Public Sector Appointments - <https://www.dgaep.gov.pt/>
Electronic portal for communication between citizens, businesses and the state (ePortugal) - <https://eportugal.gov.pt/>

Actual data: 16.07.2021

Regulatory framework

In the **Constitution of the Portuguese Republic since 1976** and its last revision in 2005, there are two sections whose provisions relate directly to the structure of the executive authority. These are Part III - Organization of Political Power, and:

- Title IV - Government, which designates the government as the governing body of the common national policy and as the supreme body of public administration. In Art. 197 all political competencies of the government are listed, and in art. 199 - all administrative competencies;
- Title IX - Public Administration, which sets out the principles of structuring and operation of public administration.

Law № 3/2004 and **Law № 4/2004** are key to the organization of the central executive authority.

Decree-Law № 169-B / 2019 is the most recent regulation act, which determines the number and competencies of the ministries, as well as those of the supporting secretaries of state.

Ministries

According to Art. 183 of the Constitution, the government consists of a prime minister, ministers, secretaries of state and undersecretaries. Their number and purpose are determined in a separate decree-law. Thus, according to Decree-Law № 169-B / 2019, the current government consists of the following 19 ministries and another 50 secretaries of state with specific departments, which assist the respective minister in the performance of their duties:



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1. Minister of State for Economy and Digital Transition;
2. Minister of State for Foreign Affairs;
3. Minister of State of the Presidency;
4. State Minister of Finance;
5. Minister of National Defense;
6. Minister of the Interior;
7. Minister of Justice;
8. Minister of Modernization of State and Public Administration;
9. Minister of Planning;
10. Minister of Culture;
11. Minister of Science, Technology and Higher Education;
12. Minister of Education;
13. Minister of Labor, Solidarity and Social Security;
14. Minister of Health;
15. Minister of Environment and Climate Action;
16. Minister of Infrastructure and Housing;
17. Minister of Territorial Cohesion;
18. Minister of Agriculture;
19. Minister of Maritime Affairs.

Agencies and other administrative structures

According to a 2021 publication of the Directorate-General for Administration and Core Structure of Public Sector Appointments in ⁶⁴Portuguese public administration, the following three main groups of entities can be distinguished (according to the degree of their hierarchical subordination):

⁶⁴Fernandes, C. (2021, DGAEP) Portuguese Central Public Administration Overview 2021

- **Direct State Administration** - it consists of ministries and those entities (directorates-general, secretariats-general, inspectorates-general and other authorities) that are directly subordinate to the government (hierarchical authority);
- **Indirect State Administration** - it consists of public entities with their own legal capacity and administrative and financial autonomy, which are subject to supervision and control by the state (guidelines for management, appointment of management, audits and other control functions). There are the following **three main types of entities in this group**:
 - 1) **Legal bodies of an institutional nature** - they have legal personality; they are established by an act of one of the public authorities in order to perform specific state functions;
 - 2) **Legal entities under public law** - they are also established by an act of public authority, giving them the power to dispose of state property or other state resources (powers);
 - 3) **Public energy companies** - they are public law organizations based on the principle of profit. They provide goods or services of public interest and their capital belongs entirely to the state or another public body;
- **Autonomous Administration** - it consists of entities whose main purpose is to pursue the interests of their population (Azores and Madeira) or members, have full autonomy and independence in determining the direction of their development and activities. This group includes regional and local administrations, as well as public associations.

Conclusions and practices applicable to Bulgaria

The executive, and in particular the administrative power in the Portuguese Republic, is extremely centralized. However, in recent years, more and more practices typical of the business model of governance have entered the country's public sector. They focus on the strategic management of institutions, human capital, transparency and accountability in financial management. This leads to a qualitative improvement in the provided public services.

In addition, the principles laid down in the Constitution for a transparent and efficient public administration in the interest of citizens provide a solid basis for the creation of high-quality legislation with a clear purpose, mission and priorities.

2.1.18 Institutional framework in Romania

Online databases and other information sources

Official website of the Chamber of Deputies of the Romanian Parliament - <http://www.cdep.ro/pls/dic/site2015.home?idl=2>

Official website of the Romanian government - <https://gov.ro/ro>

Online portal of the Romanian government for legislation - <http://legislatie.just.ro/>

Actual data: 17.08.2021

Regulatory framework

There is a Section III - Public Authorities in the 1991 **Constitution of Romania**. Chapter III - Government, and Chapter V - Public Administration, of the aforementioned section have a direct bearing on the organization of the executive authority at central level. While the section on government focuses on its role, structure, responsibilities, regulations, etc., the section on public administration sets out the core principles for establishing institutions to assist the government in carrying out its functions and tasks.

Art. 116 and 117 of the Constitution are particularly important, as they regulate in practice the establishment of institutions without the rank of ministries in the Romanian public sector. According to Art. 116 other specialized agencies (other than ministries) can be organized either in the form of bodies supporting the ministries or in the form of autonomous administrative bodies. In turn, Art. 117 states that the establishment of institutions supporting ministries can only take place when a specific law allows it and after consultation with the Romanian Court of Auditors. On the other hand, autonomous administrative bodies are set up by parliament.⁶⁵

The following four laws are also directly related to the organization and distribution of responsibilities between the different types of executive institutions in Romania:

- **Law № 90 of 26 March 2001 on the organization and functioning of the Romanian government and ministries;**
- **Law № 340 of 12 July 2004 on the Prefect and the Prefect's Institution;**
- **Framework Law № 195 of 22 May 2006 on decentralization;**
- **Emergency Refulation № 57 of 03.07.2019 under the Administrative Code.**

The first and last of these laws are key to understanding the structure and functions of the executive administration at the central level. For example, Emergency Regulation № 57 of 3 July 2019 provides fundamental definitions (including those concerning certain types of institutions⁶⁶) related to the public sector in Romania.

⁶⁵E. Hințea, M., V. Hudrea, A., O. Balica, Hudrea (2012, Palgrave Macmillan) - Government Agencies: Practices and Lessons from 30 Countries (Romania)

⁶⁶Central public administration (central public administration), public authority (public body), public administration authority (public administration body), public office (public service), public institution (public institution), public utility institution (public utility institution), autoritățile administrative autonome (autonomous administrative bodies), etc.



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Ministries

Romania is a semi-presidential republic and therefore the executive authority in the country is divided between the president and the government. However, the government has a greater role in the implementation of individual laws, as it is responsible for the effective implementation of domestic and foreign policy, carries out the general management of the public administration, appoints prefects⁶⁷ and reports to the chambers of parliament.

Art. 2 of the Emergency Regulation № 57 of 03.07.2019 lists the bodies constituting the central executive authority - government, ministries, other specialized central bodies subordinate to the government or the ministries, and autonomous administrative bodies.

The Prime Minister, who heads the government, elects the remaining members and designates their departments. Today, the following **18 ministries exist in Romania:**

1. Ministry of Finance;
2. Ministry of Interior;
3. Ministry of Foreign Affairs;
4. Department of Justice;
5. Ministry of National Defense;
6. Ministry of Economy, Entrepreneurship and Tourism;
7. Ministry of Energy;
8. Ministry of Transport and Infrastructure;
9. Ministry of Agriculture and Rural Development;
10. Ministry of Environment, Water and Forestry;
11. Ministry of Development, Public Works and Administration;
12. Ministry of Investment and European Projects;
13. Ministry of Labor and Social Protection;
14. Ministry of Health;
15. Ministry of Education;
16. Ministry of Research, Innovation and Digitalization;

⁶⁷See Law № 340 of 12 July 2004 on the Prefect and the Institution of the Prefect, Law № 90 of 26 March 2001 on the Organization and Functioning of the Romanian Government and Ministries and Emergency Ordinance № 57 of 03.07.2019 on the Administrative Code

17. Ministry of Culture;

18. Ministry of Youth and Sports.

The structure of the government includes other institutions of the executive level, which aim to support the work of individual ministers and the government as a whole. These include the Prime Minister's Office, the General Secretariat of Government, Secretaries of State and many other departments and / or entities established by special law.^{68 69}

Agencies and other administrative structures

Non-ministerial structures in Romania are public organizations based on public law that have their own legal capacity under the control of the executive authority. Their activities are national in scope, they perform non-commercial tasks and in their line there are requirements for budget reporting. The following⁷⁰ **two types of structures** can be conditionally distinguished, described in Emergency Regulation № 57 of 03.07.2019:

- 1) bodies supporting the ministries** - they are divided into those that support a ministry directly by performing some of its tasks, and those that support it indirectly by assisting it in implementing a policy;
- 2) autonomous administrative bodies** - with them the executive bodies cooperate to achieve common goals in the interest of the citizens.

Subsequent breakdown by type is impossible due to the many differences between the individual institutions and the lack of a clear regulatory framework to regulate the reasons for these differences and the peculiarities of the work of institutions.

However, according to some authors⁷¹ in the Romanian public sector, these components of the process of structuring and functioning of the central executive bodies can be easily identified, which also determine the degree of efficiency of the individual organizations. First of all, it's the financing method. Most agencies are financed exclusively from the state budget, but others also rely on secondary sources of income, which is evidence of the significant level of dependence of most agencies on ministries in the process of allocating budget funds. Secondly, these are the mechanisms for governance and, in particular, the types of leadership⁷², the ways it is appointed and dismissed, as well as managerial autonomy⁷³.

⁶⁸Stamule, T. (2018, European Commission) Public administration characteristics and performance in EU28: Romania

⁶⁹ <https://gov.ro/ro/guvernul/organizare/aparatul-de-lucru-al-guvernului>

⁷⁰E. Hințea, M., V. Hudrea, A., O. Balica, Hudrea (2012, Palgrave Macmillan) - Government Agencies: Practices and Lessons from 30 Countries (Romania)

⁷¹E. Hințea, M., V. Hudrea, A., O. Balica, Hudrea (2012, Palgrave Macmillan) - Government Agencies: Practices and Lessons from 30 Countries (Romania)

⁷²Executive director, board of directors, etc.

⁷³Development of policies, processes and procedures (within a given sector), strategies for staff development, management of own financial resources and assets, etc.

As for the control instruments, according to the same analysis, as in many other countries, they go through the presence of strategic objectives and the monitoring of their phased implementation through regular reporting and lead to regular internal and external independent auditing.

Conclusions and practices applicable to Bulgaria

The case of Romania, and in particular the heterogeneous structure of its central administration, is further evidence of the need for a clear legal framework to make the creation of certain types of public organizations with specific objectives unambiguous, while contributing to their effectiveness.

In order to prevent this significant omission, the country has chosen to pay special attention to the reporting process of the institutions, linking it not only with the achievement of concrete results, but also with the availability of factual and statistical evidence in assessing the effectiveness and efficiency of individual institutions.

2.1.19 Institutional framework in the Slovak Republic

Online databases and other information sources

Online portal for electronic access to the legislation applicable in the Slovak Republic - <https://www.slov-lex.sk/domov>

Official website of the Slovak government - <https://www.vlada.gov.sk/>

Register of organizations (Statistical Office of the Slovak Republic) - https://slovak.statistics.sk/wps/portal/ext/Databases/register_organizacii!/ut/p/z1/jZBNT4NA EIZ_Sw9cd2YLK4u3qUlpFU1Xwod7aWhDKbHLNoDy98XGi0nFzm2S53kn84KGHHRTfNZV0de2KU7j_qbvtmm0kYsFJ8SI4EgUK_HEg7n3LCC7AA8hrTw_QpRRKHBNq-Q1UK6L5IK-xcc_hvA2fwLQ0_EZ6AtCSqk4S1MM0_kS1y4P8SVJxjz_B5h68b8jj6DrnWHD3jBkQkpP-CLwJOdSCO-7Y2p2rqxAt-WhbMuWfbRj9ce-P3f3Djo4DAOrK1OJdtb4-A15Wi7HvLfJMTdO5xNkuRYb0wme0mz2RelWGVa / dz / d5 / L2dJQSEvUUt3QS80TmxFL1o2X1ZMUDhCQjFXMRVGV

Register of ministries and public institutions - <https://www.zmluvy.gov.sk/>

Actual data: 19.08.2021

Regulatory framework

The sixth chapter of the 1992 **Constitution of the Slovak Republic states that the executive power in the country belongs to the President of the Republic and the Government.** While the president has extremely limited powers, according to Art. 108 the government is the supreme body of executive power in the country.

Further in Part 2 of the same chapter - Art. 122-123 pay special attention to other executive bodies. They point out that central and local bodies of state administration should be

established by law, and that ministries and other authorized bodies of state administration may, on the basis of existing legal provisions, issue generally binding legal provisions.

Ministries

The Government of the Slovak Republic (Vláda Slovenskej republiky) is headed by a Prime Minister, whose cabinet is appointed by the President on the recommendation of the former. The cabinet consists of the prime minister, his deputies and other ministers. The government is responsible for implementing the government program, which includes drafting the state budget, issuing numerous government regulations and decrees in accordance with the powers of the relevant ministers, formulating and effectively conducting the country's foreign policy, submitting legislative projects to the Slovak parliament, etc.⁷⁴

Today's cabinet consists of a prime minister⁷⁵ and the following 15 ministers, heading **14 ministries** and assisted by one or more secretaries of state:

1. Minister of Economy of the Slovak Republic;
2. Minister of Investment, Regional Development and Informatization of the Slovak Republic;
3. Minister of Finance of the Slovak Republic;
4. Minister of Transport and Construction of the Slovak Republic;
5. Minister of Agriculture and Rural Development of the Slovak Republic;
6. Minister of the Interior of the Slovak Republic;
7. Minister of Defense of the Slovak Republic;
8. Minister of Justice of the Slovak Republic;
9. Minister of Foreign Affairs and European Affairs of the Slovak Republic;
10. Minister for Labor, Social Affairs and the Family of the Slovak Republic;
11. Minister of the Environment of the Slovak Republic;
12. Minister of Education, Science, Research and Sport of the Slovak Republic;
13. Minister of Culture of the Slovak Republic;
14. Minister of Health of the Slovak Republic;

⁷⁴Nemec, J. (2018, European Commission) Public administration characteristics and performance in EU28: Slovakia

⁷⁵Head of the Government Office of the Slovak Republic.

15. Deputy Prime Minister in charge of legislation and strategic planning ⁷⁶.

Agencies and other administrative structures

The administrative system of the Slovak Republic consists of central administrative bodies, district offices (okresné úrady) and specialized bodies of the state administration at regional or district level. The central administration includes the Government Service, the ministries, the central bodies of the state administration, as well as other central bodies with a special status.⁷⁷

Many central authorities have undergone significant restructuring in recent years and are now part of the private sector. This is especially true for those organizations that operate to provide social and communal services. Another major group that can be assigned almost entirely to the central executive authority is the independent and semi-independent regulatory agencies.⁷⁸

Finally, it should be noted that the central bodies of the state administration have different statutes, performing different tasks, based on specific legislation defining their roles and functions.⁷⁹

Conclusions and practices applicable to Bulgaria

In the Slovak Republic, as in many other countries such as the Republic of Lithuania and the Kingdom of Denmark, there is a separate center of government. It includes the Government Office, the Ministry of Finance, the Ministry of Interior and the Ministry of Foreign and European Affairs, as they are responsible for many horizontal issues of a national nature. However, according to some authors ⁸⁰, there is still no common understanding between these institutions on collective leadership and the joint implementation of government policies.

Against this background, the country is given the opportunity to other institutions such as the National Audit Office and the Ombudsman of the Slovak Republic to take a direct and active part in the effective management and control of the public sector and in particular the administration. In this way, we are once again witnessing the importance of issues affecting the quality of the processes taking place in the state administration and their continuous improvement.

2.1.20 Institutional framework in the Republic of Slovenia

Online databases and other information sources

Official e-Gazette of the Republic of Slovenia - <https://www.uradni-list.si/glasilo-uradni-list-rs>

⁷⁶It is part of the Government Office of the Slovak Republic.

⁷⁷Nemec, J. (2018, European Commission) Public administration characteristics and performance in EU28: Slovakia

⁷⁸Nemec, J. (2012, Palgrave Macmillan) - Government Agencies: Practices and Lessons from 30 Countries (Slovakia)

⁷⁹Nemec, J. (2018, European Commission) Public administration characteristics and performance in EU28: Slovakia

⁸⁰Nemec, J. (2018, European Commission) Public administration characteristics and performance in EU28: Slovakia

Legislative Information System of the Republic of Slovenia (PIS) - <http://www.pisrs.si/Pis.web/>

Central website for easy access to comprehensive information related to the organization and functioning of the state administration in the Republic of Slovenia - <https://www.gov.si/>

Actual data: August 23, 2021

Regulatory framework

The Constitution of the Republic of Slovenia of 1991 is the basic law in the country and as such it defines the foundations of the executive authority. They are naturally related to the government and the state administration. In this sense, Section IV - Organization of the State, sub-items č) - The Government and d) - Public Administration are a starting point for understanding the structure and functions of the administration of the executive power in the country.

According to Art. 110 of the Constitution, the Government of the Republic of Slovenia consists of the Prime Minister and Ministers. An interesting fact related to the formation of the government is that before their appointment the ministers proposed by the chairman appear before the competent committee of the National Assembly, where they answer various questions (Article 112). The following regulations also have a direct bearing on the functions and organization of ministries:

- **Government of the Republic of Slovenia Act 1993;**
- **1994 Law on the Organization of Work Areas in the Ministries;**
- **Law amending the Law on the Organization of the Work Areas of the Ministries of 2001;**
- **Rules of Procedure of the Government of the Republic of Slovenia of 2001**

In Art. 121 The Constitution provides a general definition of public bodies (javno pooblastilo), which states that by virtue of a law or on the basis of it, legal and natural persons may be assigned public powers through which these persons perform specific duties of state administration. Another key law that contains clearer provisions related to the types and functions of administrative structures is the 2002 **State Administration Act**.

Ministries

The Government of the Republic of Slovenia exercises executive power in accordance with the Constitution and the laws of the country. It is also the highest administrative body in Slovenia, which takes care of the country's domestic and foreign policy and coordinates the work of state institutions.

The Law on the Government of the Republic of Slovenia lists the **14 ministers** who, together with the Prime Minister, should form the government and who currently head the following ministries:

1. Ministry of Labor, Family, Social Affairs and Equal Opportunities;

2. Ministry of Finance;
3. Ministry of Economic Development and Technology;
4. Ministry of Education, Science and Sports;
5. Ministry of Infrastructure;
6. Ministry of Public Administration;
7. Ministry of Culture;
8. Ministry of Agriculture, Forestry and Food;
9. Ministry of Environment and Spatial Planning;
10. Ministry of Interior;
11. Department of Defense;
12. Department of Justice;
13. Ministry of Health;
14. Ministry of Foreign Affairs.

Again according to Art. 8 of the same law in the government can be appointed **up to two ministers without portfolio** and so today the government enjoys the help of two other ministers responsible for the respective departments:

- Minister without Portfolio for Development and European Cohesion Policy;
- Minister without portfolio for the Slovenian diaspora.

In Art. 24 regulates the appointment of state secretaries.

Agencies and other administrative structures

According to the results of the present study, the following three main types of executive bodies exist in Slovenia:

- 1) **Government services** - established by the government in order to provide organizational, professional and other assistance in the functioning of the government or to coordinate the work of ministries;
- 2) **Bodies, part of the ministries (Organi v sestavi)** - are established by decree and in order to perform specialized professional, executive and administrative tasks that should help the development of a sector, the implementation of inspections and other

oversight functions in the provision of public services. Although they do not have legal capacity, they enjoy high managerial autonomy with their own management (CEO, director or inspector general) ⁸¹.

- 3) **Agencies (Agencije)** - are established for the purpose of performing administrative tasks in accordance with the provisions of a special law. Agencies should ensure more efficient and effective performance of specific administrative tasks, especially in cases where the latter can be financed entirely or mainly by administrative fees or user payments. These administrative structures are usually set up when, depending on the nature of the tasks assigned to them, it is not necessary to exercise constant direct political control over them. Their level of autonomy is higher than that of the bodies, part of the ministries. Public agencies operate mainly in areas such as financial and energy markets, electronic communications markets, insurance markets and competition protection.

Conclusions and practices applicable to Bulgaria

There are several conclusions that can be drawn by examining the logic of structuring public administration in Slovenia. The first of the conclusions is related to the verification of their professional competence by the committees of the national parliament, with which the respective minister should cooperate for the purposes of the goals and tasks set by the laws. The second conclusion concerns the Slovenian budget system. Two of its important features are, on the one hand, that the budget is planned for two consecutive years ⁸², and on the other - that it allows a certain amount of flexibility during implementation through the adoption of the so-called "Budget Execution Act" ⁸³. Next, in the case of Slovenia, there is again a separate center of government, consisting of government offices with coordination functions.

2.1.21 Institutional framework in Hungary

Online databases and other information sources

Free online service for easy access to Hungarian national law - <https://www.njt.hu/>

Official website of the Hungarian government - <https://kormany.hu/>

Public Data Finder - <https://kozadat.hu/kereso/osszetett-kereso>

Actual data: 30.08.2021

Regulatory framework

The Hungarian Constitution, which entered into force on 1 January 2012, stipulates that the executive power is exercised by the government (Article 15) headed by the Prime

⁸¹Virant, G., Rakar, I. (2018, European Commission) Public administration characteristics and performance in EU28: Slovenia

⁸²According to Art. 15 of the Public Finance Act - <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1227>

⁸³Virant, G., Rakar, I. (2018, European Commission) Public administration characteristics and performance in EU28: Slovenia

Minister. The latter has a leading role, as he proposes the ministers who make up the cabinet, has the exclusive power to dismiss them and determines the general policy of the government. Constitutional procedure requires each minister-designate to appear before one or more parliamentary committees for an open hearing, where his or her professional competence is tested and evaluated by a vote of MPs before the minister is finally approved and appointed by the President.

Due to the fact that the Constitution specifies only the general provisions on the organization and functions of the executive authority, it explicitly notes that the names and responsibilities of ministries (Article 17) and the rules on the legal status, remuneration and replacement of members of government should be defined in another, special law (art. 18).

Finally, Art. 23 of the Hungarian Constitution lays the foundations for the establishment of **autonomous regulatory bodies**, which should fulfill certain responsibilities and have specific competencies under the so-called cardinal act⁸⁴. These bodies can only be set up by parliament, but their heads are appointed by the prime minister or president on the recommendation of the prime minister. The constitution obliges the authorities to submit an annual report on their activities to parliament. In the last paragraph of Art. 23 The Constitution allows the heads of the autonomous regulatory bodies, acting within their competence defined in the cardinal act, to issue decrees that do not contradict the rest of the legislation in order to more efficiently and effectively perform their responsibilities and tasks.

Ministries

According to Art. 15, para. 1 of the Hungarian Constitution, the government is the supreme body of public administration. In addition, governmental competencies include defining general government policy, solving problems related to national sovereignty, and in particular justice, foreign affairs, finance and national defense, and more.

Currently, the Hungarian government consists of **the Prime Minister's office (Miniszterelnökség), the Prime Minister's cabinet (Miniszterelnöki Kabinetiroda) and the following eight ministries**, which perform specific tasks within the sector:

1. Ministry of Finance;
2. Ministry of Agriculture;
3. Ministry of Interior;
4. Ministry of Human Resources;
5. Department of Defense;
6. Department of Justice;
7. Ministry of Innovation and Technology;

⁸⁴A cardinal act is one whose adoption or amendment requires the votes of two-thirds of the members of parliament present.

8. Ministry of Foreign Affairs and Trade.

It should be noted that the Prime Minister's Cabinet was established in 2015, separating from the Prime Minister's Office, which over the years began to play an increasingly key role in implementing government policy and making various political decisions. The Prime Minister's Cabinet supports the work of the latter, is responsible for the political coordination of individual ministries, monitors the so-called national consultations^{85 86}.

Art. 17, para. 2 of the Constitution also allows the appointment of ministers without portfolios in the government. In view of this, the following four ministers are members of today's cabinet, the first of whom is also the Deputy Prime Minister:

- Minister without portfolio on national policy, church affairs and nationalities;
- Minister without portfolio for national asset management;
- Minister without portfolio for families;
- Minister without portfolio for the expansion of the Pax nuclear power plant.

Ministers are assisted by one or more secretaries of state. The government may also appoint government commissioners. They should perform tasks that do not fall within the competence of the ministers or any of the government services, and at the same time their implementation is of paramount importance for the country. The term of office of each State Commissioner is fixed and does not exceed two years.

Agencies and other administrative structures

The central executive consists of ministries and executive agencies. Ministries are primarily responsible for policy development, and implementation tasks are mainly performed by agencies⁸⁷. The latter have national competence and are controlled by the competent ministry or the Cabinet of the Prime Minister⁸⁸.

According to an analysis from 2012⁸⁹ three types of institutions operating at national level can be tentatively identified in Hungary. These are:

- 1) Public administrations and organizations with national competences (országos hatáskörű szerv)** - are established by law, are appointed by the Prime Minister or

⁸⁵Sociological surveys conducted by the government to demonstrate public support for government policies.

⁸⁶Hajnal, G., Kádár, K., Kovács, É. (2018, European Commission) Public administration characteristics and performance in EU28: Hungary

⁸⁷Hajnal, G. (2012, Palgrave Macmillan) - Government Agencies: Practices and Lessons from 30 Countries (Hungary)

⁸⁸Hajnal, G., Kádár, K., Kovács, É. (2018, European Commission) Public administration characteristics and performance in EU28: Hungary

⁸⁹Hajnal, G. (2012, Palgrave Macmillan) - Government Agencies: Practices and Lessons from 30 Countries (Hungary)

the Cabinet and are controlled by the government. In the Budget Act they are divided into a separate section;

- 2) **Central bureaus (központi hivatal)** - are established by government decree, and their management is appointed by the Minister under whose auspices they operate. They are financed from the budget set for the respective ministry;
- 3) **Bureaus attached to a ministry (minisztériumi hivatal)** are established by government decree and are appointed by the minister under whose auspices they operate. They are not included in the budget.

The conclusions of the study conducted in 2012 show that all three types of organizations are separate legal entities with national competence, which perform various specialized tasks in the field of public administration⁹⁰. Unfortunately, to date, there is no register or other online database that distinguishes between existing central-level executive institutions. Therefore, the universal classification (Institutions under the auspices of...) is used in the appendix to this analysis.

Conclusions and practices applicable to Bulgaria

Although Hungary's public sector, and in particular the administration, has undergone a number of reforms over the last decade, most of which have focused on centralizing executive power in the hands of ministers and following a strict sequence of actions, there is still no clear legal framework for institutionalization scheme of structures without the rank of ministries. This creates a highly heterogeneous environment in which ministers create organizations of different types and modes of operation, and citizens and academia remain confused and uncertain about government decisions.⁹¹

However, one of the good practices in the country remains, same as the one in Slovenia, namely the hearing of ministers before parliamentary committees before their appointment to the cabinet.

2.1.22 Institutional framework in the Republic of Finland

Online databases and other information sources

Internet service of the Finnish Ministry of Justice for free access to various legal materials (Finlex) - <https://www.finlex.fi/fi/>

Official website of the Finnish government - <https://valtioneuvosto.fi/>

⁹⁰Hajnal, G. (2012, Palgrave Macmillan) - Government Agencies: Practices and Lessons from 30 Countries (Hungary)

⁹¹Hajnal, G., Kádár, K., Kovács, É. (2018, European Commission) Public administration characteristics and performance in EU28: Hungary

Website presenting information on the efficiency and effectiveness of the administration in Finland - <https://www.tutkihallintoa.fi/>

Actual data: 20.07.2021

Regulatory framework

Constitution of Finland (731/1999) contains the following two chapters that are directly relevant to the organization and functioning of the country's executive authority:

- Chapter 5 - The President of the Republic and the Government;
- Chapter 11 - Administration and self-government.

According to Art. 68 of the Constitution, the number of ministries and the principles on which their establishment should be based are determined by law, such as the **Law on the Council of State (175/2003)**, and as for other aspects of government organization, they may be determined either by law or by government decree.

The second set of regulations concerning the administration specifies the types of structures other than the government and ministries that can be assigned to the executive. According to Art. 119 of the Constitution are agencies, institutions and other bodies, and on the part of their tasks and powers the legislator has determined that the delegation of specific functions to these structures should be carried out only on the basis of a specific law.

The Law on Openness of State Activities (621/1999) is another normative act concerning the public administration in the country, which aims to make the work of public authorities as transparent as possible and to ensure that they work for the protection of the public interest.

Ministries

According to Art. 60 of the Constitution, the government consists of a prime minister and the required number of ministers. In addition, it is common practice in Finland for several ministers to head a single ministry, sharing responsibilities within it⁹². Nevertheless, the Council of State Act (175/2003) lists the ministries that should be established in the current Finnish government. These are:

1. Office of the Prime Minister;
2. Ministry of Foreign Affairs;
3. Department of Justice;
4. Ministry of Interior;

⁹²Virtanen, T. (2018, European Commission) Public administration characteristics and performance in EU28: Finland



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5. Department of Defense;
6. Ministry of Finance;
7. Ministry of Education and Culture;
8. Ministry of Agriculture and Forestry;
9. Ministry of Transport and Communications;
10. Ministry of Economy and Employment;
11. Ministry of Social Affairs and Health;
12. Ministry of environment.

Today's **government consists of 19 ministers**, including the prime minister, **and the Chancellor of Justice** (Oikeuskansleri), who oversees the legality of government action. In the structure of each of the ministries there are different in number and type secretaries (state, permanent, undersecretaries).

Agencies and other administrative structures

The central executive authority consists of the ministries and the national agencies and institutions operating under their umbrella.

The agencies play a key role in the Finnish public administration, as their activities focus on the provision of various services, regulation, supervision, inspections, licensing and research. Analysis from 2012⁹³ identifies the following 5 types of agencies, according to their functions:

- government agencies and public bodies that perform administrative tasks and implement policies;
- agencies responsible for the development and management of various social services in certain sectors;
- agencies and public bodies responsible for the development of a sector and the dissemination of information to the public;
- agencies with significant information and registration management responsibilities;
- state research institutes.

⁹³Salminen, A., Viinamaki, O., Jokisuu, J. (2012, Palgrave Macmillan) - Government Agencies: Practices and Lessons from 30 Countries (Finland)

The agencies are set up by acts of the Finnish Parliament, which define the tasks and powers of the relevant structures. Although in most cases the agencies are independent in decision-making, they are led by the ministry responsible for the specific policy area. On the other hand, the assessment of their management is based mainly on results defined in the framework of annual implementation agreements between the responsible ministry and the agency. As for funding, it is prepared and proposed by the competent ministry, while the final decision on the amount is made by parliament.⁹⁴

Conclusions and practices applicable to Bulgaria

One of the more interesting institutions in the Finnish central executive authority is the Chancellor of Justice, who, although an integral part of the government, is completely independent in his work, which includes:

- overseeing the legality of official acts of the government and the president of the republic;
- providing information and opinions on various legal issues raised by the President, the Government and the Ministries;
- supervision over the legality and fulfillment of the obligations of the courts, state bodies, public and civil servants;
- monitoring the implementation of fundamental human rights and freedoms;
- monitoring the behavior of lawyers in the Finnish Bar Association.

According to another study,⁹⁵ about 98% of agencies in Finland have a board of directors, which consists of members of parliament and ministers, as well as other professionals. Councils often set strategic goals to contribute to the development of the institution and its policies. However, the existence of these boards remains controversial, as their autonomy is undermined by too many external factors.

2.1.23 Institutional framework in the French Republic

Online databases and other information sources

Online database of French legislation - <https://www.legifrance.gouv.fr/>

Official website of the French administration - <https://www.service-public.fr/>

Actual data: 31.08.2021

⁹⁴Virtanen, T. (2018, European Commission) Public administration characteristics and performance in EU28: Finland

⁹⁵Salminen, A., Viinamaki, O., Jokisuu, J. (2012, Palgrave Macmillan) - Government Agencies: Practices and Lessons from 30 Countries (Finland)



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Regulatory framework

The Constitution of the Fifth Republic was approved by referendum on September 28, 1958, defining the boundaries of the executive, legislative, and judicial authorities of the French Republic. According to its provisions, executive power belongs to both the president of the republic, who is the head of state, and the prime minister, who is the head of government.

The president has a key role within the executive authority. According to Art. 8 of the Constitution, he appoints ministers and secretaries of state so that his political program is followed. In addition, according to Art. 9 of the Constitution, the President of the Republic chairs the Council of Ministers. On the other hand, the government consists of a prime minister and ministers. The prime minister directs the actions of the government and ensures the implementation of legislation (art. 21), while he and his cabinet have the civil service and the armed forces at their disposal to achieve these goals (art. 20).

According to the organization of the public administration, the following normative acts directly affect its structuring:

- **Decree № 2015-510 of 7 May 2015 on the Charter of Deconcentration;**
- **Decree № 2012-1246 of 7 November 2012 on the public budget and accounting management.**

Ministries

The President, who is also the Supreme Commander-in-Chief, determines national policy in close collaboration with the Council of Ministers. The latter is a collegial body in which all ministers are members⁹⁶ and within which the prime minister is not the hierarchical superior of the other ministers. By coordinating government action, the prime minister is preventing conflicting initiatives from various ministries. In this process, he is assisted by the Secretariats General (secrétariats généraux), which represent interdepartmental bodies under his leadership.⁹⁷

Traditionally, the French government consists of members of three different categories of rank. The highest ministers are the ministers of state (ministres d'État), followed by the ministers and the delegate ministers (ministres délégués)⁹⁸. The lowest rank is that of junior ministers, who in practice are called secretaries of state (secrétaires d'État).

The current government of the French Republic consists of the following **16 ministries**:

1. Ministry of Agriculture and Food;
2. Ministry of the Armed Forces;

⁹⁶The Secretary General of the Government and the Secretary General of the President of the Republic are also part of the Council of Ministers. Its meetings are chaired by the President of the Republic.

⁹⁷Larat, F. (2018, European Commission) Public administration characteristics and performance in EU28: France

⁹⁸Minister responsible for a specific issue within a ministry.

3. Ministry of Territorial Cohesion and Relations with Local Authorities;
4. Ministry of Culture;
5. Ministry of Economy, Finance and Reconstruction;
6. Ministry of National Education, Youth and Sports;
7. Ministry of Higher Education, Research and Innovation;
8. Ministry of Europe and Foreign Affairs;
9. Ministry of Interior;
10. Department of Justice;
11. Ministry of the Sea;
12. Ministry of Overseas Countries;
13. Ministry of Solidarity and Health;
14. Ministry of Transformation and Civil Service;
15. Ministry of Ecological Transition;
16. Ministry of Labor, Employment and Integration.

Agencies and other administrative structures

Despite this complex and relatively broad structure of the French government, most of the government activities are carried out by each ministry individually and by the structures that support it. An analysis from 2012⁹⁹ identified two main types of institutions among those administrative structures that work on the implementation of policies at the national level:

- 1) **Dependent public bodies** - also called "national services", have no legal capacity and are therefore an extremely flexible tool in the hands of individual ministries, as they offer the opportunity to implement different types of internal administrative and functional organization. National services are set up at the level of the ministry, at the level of the directorate-general or at a lower hierarchical level according to their specific functions and tasks. The decision to set them up is based on a report containing a preliminary description of how the structure should be managed, the tasks it will

⁹⁹Lafarge, F. (2012, Palgrave Macmillan) - Government Agencies: Practices and Lessons from 30 Countries (France)



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perform, the services it has to offer, and a list of expected results and the ways in which they will be managed. should be reported.

- 2) **Independent public bodies** - their existence is a tradition in the French public sector. They have legal personality and although they are financed from the state budget, their autonomous nature guarantees their work in the protection of the public interest, regardless of the goals of the executive authority. Initially, they were created to address very specific and relatively urgent issues on the public agenda, but today there are many subtypes of autonomous public bodies, ranging from those with fewer employees and smaller budgets to those with thousands of employees and a budget of billion of euros.

Conclusions and practices applicable to Bulgaria

Although independent public bodies are involved in establishing a new way of sharing and exercising state power in areas such as those related to civil liberties and the regulation of specific sectors and markets, there is as yet no established criterion for distinguishing cases where an independent or dependent administrative structure should be established. In addition, the level of control by the ministry, within whose jurisdiction the autonomous authorities operate, remains unclear.¹⁰⁰ In this sense, extending the scope of the instrument, which provides for a preliminary report on the structuring, functioning and reporting methods of different types of bodies, could lead to clarification of the principles applied in the creation of different types of institutions, as well as their regulatory attachment to existing national legislation.

2.1.24 Institutional framework in Croatia

Online databases and other information sources

Central Catalog of Official Documents of the Republic of Croatia - <https://sredisnjikatalogrh.gov.hr/>

Online portal of the Official Gazette of the Republic of Croatia - <https://narodne-novine.nn.hr/search.aspx>

Official website of the Croatian government - <https://vlada.gov.hr/>

e-Citizens - Information and Services - <https://gov.hr/>

Actual data: 25.07.2021

Regulatory framework

In the part on the structure of state power, the 1990 **Constitution of the Republic of Croatia** briefly examines the structure of the government, stating that it consists of a prime minister, one or more deputy prime ministers and ministers. The last article in the section on

¹⁰⁰Lafarge, F. (2012, Palgrave Macmillan) - Government Agencies: Practices and Lessons from 30 Countries (France)

government notes that the structure of the state administration should be regulated by law. In this sense, the following two laws deal exclusively with issues concerning the structuring and functioning of the state administration:

- **Institutions Act 1993;**
- **Law on the Organization and Scope of State Administrative Bodies of 2020**

The first of these two laws focuses on the concept of the establishment, functioning and control of institutions in Croatia. At the beginning, the second law lists the ministries and state administrative organizations, and then proceeds to describe their activities and tasks.

Finally, mention should be made of the **Law on the Government of the Republic of Croatia**, which describes the main functions and role of this executive body, and the **Rules of Procedure of the Government of the Republic of Croatia**.

Ministries

The government of the Republic of Croatia has the executive power in the country, and its main functions include proposing legislation, enforcing laws, directing the country's foreign and domestic policy, controlling state administration and economic development.

According to the Law on the Organization and Scope of State Administrative Bodies, the current government consists of the following **16 ministries**:

1. Ministry of Finance;
2. Ministry of Labor, Pension System, Family and Social Policy;
3. Department of Defense;
4. Ministry of Science and Education;
5. Ministry of Tourism and Sports;
6. Ministry of Maritime Affairs, Transport and Infrastructure;
7. Ministry of Agriculture;
8. Ministry of Interior;
9. Ministry of Economy and Sustainable Development;
10. Ministry of Development, Construction and State Property;
11. Ministry of Health;
12. Ministry of Justice and Public Administration;
13. Ministry of Croatian Veterans;

14. Ministry of Regional Development and European Union Funds;
15. Ministry of Culture and Media;
16. Ministry of Foreign Affairs and European Affairs.

In addition to the composition of the government since 2020, there is **a minister without portfolio**, who is also Deputy Prime Minister for Social Affairs and Human and Minority Rights.

There are one or more secretaries of state in the ministries.

Agencies and other administrative structures

The creation of the so-called public agencies ¹⁰¹in every functional area of the state administration - regulation, control, licensing, etc. - is not based on a stable and common legal framework for all such structures and is therefore difficult to classify. However, the Law on the Organization and Scope of State Administrative Bodies of 2020 lists two main types of institutions in the country. In the first place, these are the ministries, and in the second place - the 12 state administrative organizations, some of which are managed by state secretaries. ¹⁰²

The description of the status, obligations and powers of a structure is practically contained in the law by which it is created. In some cases, this may be a government decree. A review of such regulations shows that there are executive agencies, expert agencies, independent regulatory bodies, public funds, other public bodies, and legal entities with public competences ¹⁰³. All of them could be summarized under the definition of "public sector organizations" or "public agencies".

Croatian administrative structures without the rank of ministries have a high degree of managerial autonomy. They can make their own decisions about their internal organization, staff and the allocation of their financial resources. However, when we talk about their financing, it should be noted that most agencies are financed from the state budget, and there are cases in which revenues can be generated from their own activities. Therefore, the agencies financed from the state budget are subject to greater control, especially as regards the implementation of the internal financial control mechanism, which has been mandatory for all spending units since 2006. ¹⁰⁴

Conclusions and practices applicable to Bulgaria

The executive administration in Croatia is highly centralized, with many public sector organizations directly controlled by the competent ministry. However, the leading agencies

¹⁰¹Koprić, I. (2018, European Commission) Public administration characteristics and performance in EU28: Croatia

¹⁰²Koprić, I. (2018, European Commission) Public administration characteristics and performance in EU28: Croatia

¹⁰³Koprić, I. (2018, European Commission) Public administration characteristics and performance in EU28: Croatia

¹⁰⁴Koprić, I., Musa, A. (2012, Palgrave Macmillan) - Government Agencies: Practices and Lessons from 30 Countries (Croatia)

often set up networks of their branches throughout the country. This contributes to the creation of chaos in the administration due to its unclear structure and the lack of common structural legislation specific to all types of bodies.

2.1.25 Institutional framework in the Czech Republic

Online databases and other information sources

Official website of the Czech government - <https://vlada.cz/>
Database of laws and international treaties of the Ministry of the Interior of the Czech Republic - <https://aplikace.mvcr.cz/sbirka-zakonu/>

Actual data: September 19, 2021

Regulatory framework

Constitution of the Czech Republic is the supreme law in the country, which defines state sovereignty, territorial integrity and institutions. Chapter Three of the Constitution distributes executive powers between the President of the Republic and the Government. In addition, Art. 79 states that ministries and other administrative services may be established by a separate law, which should regulate their powers, status and other basic provisions related to their existence.

Thus, **the Law No 2/1969** on the Establishment of Ministries and Other Central Bodies of State Administration today plays a key role in the formation of the central state administration of the Czech Republic.

Ministries

According to Art. 67 of the Constitution, the government is the highest executive body in the Czech Republic, consisting of a prime minister, head of cabinet, deputy prime ministers and ministers. The number of ministries varies according to current political issues, but according to the above-mentioned Law No 2/1969, also called the Competence Act, in 2021 the Czech Republic there are **14 ministries headed by 13 ministers**:

1. Ministry of Finance;
2. Ministry of Foreign Affairs;
3. Ministry of Education, Youth and Sports;
4. Ministry of Culture;
5. Ministry of Labor and Social Affairs;
6. Ministry of Health;

7. Department of Justice;
8. Ministry of Interior ¹⁰⁵;
9. Ministry of Industry and Trade ¹⁰⁶;
10. Ministry of Regional Development;
11. Ministry of Agriculture;
12. Department of Defense;
13. Ministry of Transport;
14. Ministry of environment.

The institution of the Secretary of State is legally established and can be found frequently in the organization of ministries. The position is usually held by Deputy Ministers responsible for special areas or topics in the management of the relevant department.¹⁰⁷

Agencies and other administrative structures

Although the Czech Republic is one of the countries with unitary-decentralized administrative structures due to the constitutionally guaranteed and strong local self-government ¹⁰⁸, structures with national competencies inevitably operate on the territory of the country.

Today, the following two types of structures can be distinguished without the rank of the ministries, which the EC has recognized in its analysis from 2018¹⁰⁹:

- 1) Administrative services with national competence, directly controlled by the government** - they are listed immediately after the ministries in Law 2/1969. Their leadership is appointed by the government or the president and they carry out strictly specific activities related to the overall implementation of government policy. They have their own place in the state budget, similar to the financial resources allocated to the ministries. They can also legislate;

¹⁰⁵The Ministry of Interior is a leader in the overall implementation of government policy and governance, and its current Minister is also the First Deputy Prime Minister.

¹⁰⁶The Minister of Industry and Trade is currently also the Minister of Transport.

¹⁰⁷Špaček, D. & Nemeč, J. (2018, European Commission) Public administration characteristics and performance in EU28: The Czech Republic

¹⁰⁸Špaček, D. & Nemeč, J. (2018, European Commission) Public administration characteristics and performance in EU28: The Czech Republic

¹⁰⁹Špaček, D. & Nemeč, J. (2018, European Commission) Public administration characteristics and performance in EU28: The Czech Republic

- 2) **Administrative services with national competence, directly controlled by the ministries** - they also have national competence, but fall under the responsibility of one ministry. This deprives them of some of the powers inherent in the structures of the previous type, such as the ability to legislate. They do not have their own budget chapter and for this reason their funding is part of the budget chapter of the relevant ministry.

Conclusions and practices applicable to Bulgaria

One of the most serious problems in the structuring of public administration in the Czech Republic here is the lack of a normatively established scheme for the distribution of state powers between different legal entities, structures of the central executive power. In this situation, which some authors explain by the presence of strong local government with a wider range of responsibilities and competencies in the provision of public services, the country relies mainly on well-functioning mechanisms for leadership and control over the executive authority. One of the key actors in this endeavor is the Government Office (Úřad vlády České republiky), which, with the help of the established system of many supporting units, manages to coordinate the course of most government policies. The existence of such a center for harmonization and ensuring the effectiveness of government decisions is a tool whose benefits are comprehensive, directly related to the horizontal connectivity of institutions, their efficiency and effectiveness, as well as increasing confidence in their work.

2.1.26 Institutional framework in the Kingdom of Sweden

Online databases and other information sources

Official website of the Swedish government and its services in Sweden - <https://www.regeringen.se/>

Legal database of government services - <https://rkrattsbaser.gov.se/sfsr>

Volunteer-run non-profit website providing access to legal information on the Swedish legal system - <https://lagen.nu/>

Actual data: 27.07.2021

Regulatory framework

The Kingdom of Sweden has four basic laws which together form the country's Constitution. One of these laws is the **Proclamation (1974: 152) on the decision for a new form of government** or in short - the Governance Instrument (Regeringsformen). It determines the manner of forming the government, as well as the appointment of ministers in the government service, i.e. ministries for the management of specific areas. With regard to public administration, the proclamation refers to the reporting of those administrative bodies that do not fall under the direct control of parliament or another body under the provisions of a law to

the government as an instrument to control their effectiveness ¹¹⁰. However, there is also a special provision guaranteeing the independence of these structures.

The coordination of and the cooperation between the administrative structures without the rank of ministries are subject to regulation within two more normative acts. These are:

- **Administrative Procedure Act (1986: 223);**
- **Government Ordinance (2007: 515).**

Ministries

Although Sweden is a constitutional monarchy, its head of state, the king, has only ceremonial and representative functions. The government service and the many agencies are responsible for enforcing the country's laws.

Here, ministries can be headed by more than one minister and manage several departments, assisted by secretaries of state. Thus, to date, the country's government consists of **22 ministers, including the prime minister, in the following 11 ministries and one office of the prime minister:**

1. Office of the Prime Minister;
2. Ministry of Employment;
3. Ministry of Finance;
4. Department of Defense;
5. Ministry of Infrastructure;
6. Department of Justice;
7. Ministry of Culture;
8. Ministry of environment;
9. Ministry of Entrepreneurship and Innovation;
10. Ministry of Health and Social Affairs;
11. Ministry of Education and Research;
12. Ministry of Foreign Affairs.

Information on the responsibilities of each of the ministers involved in the management of the ministries can be found in the annex to this analysis.

¹¹⁰Ahlbäck Öberg, Sh., Wockelberg, H. (2018, European Commission) Public administration characteristics and performance in EU28: Sweden

The Government of the Kingdom of Sweden functions as a collegial body with collective responsibility, in which individual ministers cannot make their own decisions on matters within their area of responsibility. The reason for this is the fact that most of the expertise on various political issues related to the socio-economic development of the country, in practice, is provided by the agencies.¹¹¹

Agencies and other administrative structures

Swedish state system is highly decentralized¹¹², with the functions of the agencies extending to many areas such as defense, public order, the labor market, environmental protection, social security, culture and education.

In order to increase the efficiency and effectiveness of the public sector over the last two decades, the country has witnessed numerous mergers of various administrative structures¹¹³, and today their number reaches almost 350¹¹⁴.

As mentioned earlier, reporting to the government is mandatory for most state administrations. At the same time, however, their independence is guaranteed by one of the country's basic laws, which partly explains the fact that individual ministers are not individually responsible for the work of the institutions under their auspices¹¹⁵. The arguments for this are related to the specific and established expertise in the respective sector, which the agencies have at their disposal.

As for financial autonomy - here it is not a constant concept. The state budget is distributed on the proposal of the government by agencies. Following its adoption by parliament, agreements typical of other countries are signed between ministries and agencies, which contain requirements and deadlines for reporting, specific tasks, the results expected after their implementation, and in some cases the estimated value of implementation and additional commissions provided to the agency.

Conclusions and practices applicable to Bulgaria

Swedish governments use various political instruments to coordinate political processes in the country between sectors in order to achieve maximum results in the implemented policies. Along this line appears the figure of the so-called a national coordinator (nationell samordnare), who is practically not part of the state apparatus and who usually performs one of the following three functions - negotiating, analytical or encouraging. However, his role in resolving various

¹¹¹Niklasson, B. (2012, Palgrave Macmillan) - Government Agencies: Practices and Lessons from 30 Countries (Sweden)

¹¹²Ahlbäck Öberg, Sh., Wockelberg, H. (2018, European Commission) Public administration characteristics and performance in EU28: Sweden

¹¹³Niklasson, B. (2012, Palgrave Macmillan) - Government Agencies: Practices and Lessons from 30 Countries (Sweden)

¹¹⁴The Authorities under the Government (2021, The Swedish Agency for Public Management)

¹¹⁵Ahlbäck Öberg, Sh., Wockelberg, H. (2018, European Commission) Public administration characteristics and performance in EU28: Sweden

issues of public importance remains controversial due to excessive individualism and the possibility of unfitness of the individual in some cases.¹¹⁶

At the other pole is the practice of the higher executive to conclude agreements with individual agencies in which to define specific goals and ways to achieve them. This instrument creates a much more favorable institutional environment in which the responsibilities of individual actors in the implementation of different policies are clearly articulated with specific deadlines, means and results in reporting.

Last but not least, the Swedish government's long tradition of creating strong, well-functioning, expert and communicative government agencies should be emphasized, rather than a centralized and ministry-oriented administrative apparatus. This way of direct connection between the citizens and the administrative structures responsible for the quality socio-economic development of the country is the recipe for increasing the trust in the institutions.

2.2 Institutional framework of the central administration in countries outside the European Union

Of course, there are other countries that, although not in the EU, also have extensive experience in both structuring public administration and carrying out public sector reforms. In this sense, the study of countries such as the United Kingdom, the countries of the European Free Trade Association (Iceland, Liechtenstein, Norway and Switzerland), as well as those to the west and east of Bulgaria, being a large part of the last candidates for membership in the Union, can only contribute to the expansion of the scope of the study and therefore - on the basis on which the proposals for changes in our country should be based.

Despite the positives that this view beyond European practices might have, in the current analysis its dimensions are very limited, reaching only the study of the Republic of Kosovo.

2.2.1 Institutional framework in the Republic of Kosovo

Online databases and other information sources

State Portal of the Republic of Kosovo - <https://www.rks-gov.net/>

Office of the Prime Minister - <https://kryeministri.rks-gov.net/>

Online portal for access to the Official Gazette of the Republic of Kosovo - <https://gzk.rks-gov.net/default.aspx?index=1>

Actual data: September 21, 2021

Regulatory framework

Kosovo 's constitution is one of the constitutional acts of the new century. Adopted shortly after the country's declaration of independence in 2008, according to Art. 16 it represents the supreme law in the country. It, as in many other cases discussed earlier, contains few but

¹¹⁶Ahlbäck Öberg, Sh., Wockelberg, H. (2018, European Commission) Public administration characteristics and performance in EU28: Sweden

fundamental provisions relating precisely to the organization of the executive authority. Among them is Art. 4, which gives the role of guarantor to the President of the Republic in terms of the democratic functioning of the institutions in the country.

In Chapter VI of the Constitution, one can find provisions related to the executive authority and, in particular, the government. According to them, it is headed by a prime minister and also includes deputy prime ministers and other ministers. All are approved by the Kosovo Assembly following a proposal made by the Prime Minister. Art. 92 states that the government implements laws and other acts adopted by parliament, and at the same time carries out other activities assigned to it in the Constitution or other law. In addition, the government makes decisions in accordance with existing regulations, proposes bills, amendments to legislation and can give opinions on bills that are not proposed by it.

As mentioned earlier, the Constitution of Kosovo is a starting point for organizing the country's public administration, enabling the Assembly to determine, through special laws, the rules on which institutions should be structured, managed and controlled. In this sense, the following two laws address in particular the issues surrounding the formation of a modern and efficient Kosovo administration:

- **Law № 05 / L-031 on General Administrative Procedure;**
- **Law № 03 / L-189 on Public Administration of the Republic of Kosovo.**

The second law is especially important because it contains the basic definitions and principles applied in the structuring of public administration in the country.

Ministries

The executive authority in Kosovo consists of those institutions that help enforce laws and carry out other activities set out in the Constitution or other law. Those listed in Art. 93 of the Constitution competencies include proposing and implementing the domestic and foreign policy of the country, supporting economic development, supervising the work of administrative bodies, setting the direction of development of public administration and the services it offers. Art. 96, in turn, stipulates that ministries and other executive bodies are established only when they are necessary for the effective performance of government functions within its powers. The next paragraph adds that the number of members of the government is determined by an internal act of the government.

According to Art. 2 of Law № 03 / L-189 the government as a whole, the prime minister, deputy prime ministers and ministers are **the highest state administrative bodies (Autoritetet e larta të administratës shtetërore)**. They manage and exercise control over the state administration in the areas for which they are responsible.

Today, the government consists of **18 members, including the Prime Minister:**

1. Prime Minister of the Republic of Kosovo;
2. First Deputy Prime Minister for European Integration, Development and Dialogue;
3. Second Deputy Prime Minister and Minister of Foreign Affairs and Diaspora;

4. Third Deputy Prime Minister for Minorities and Human Rights;
5. Minister of the Ministry of Finance, Labor and Transfers;
6. Minister of the Ministry of Justice;
7. Minister of the Ministry of Defense;
8. Minister of the Ministry of Interior;
9. Minister of the Ministry of Health;
10. Minister of the Ministry of Education, Science, Technology and Innovation;
11. Minister of the Ministry of Culture, Youth and Sports;
12. Minister of the Ministry of Local Administration;
13. Minister of the Ministry of Environment, Spatial Planning and Infrastructure;
14. Minister of the Ministry of Agriculture, Forestry and Rural Development;
15. Minister of the Ministry of Industry, Entrepreneurship and Trade;
16. Minister of the Ministry of Economy;
17. Minister of the Ministry of Communities and Returns;
18. Minister of the Ministry of Regional Development.

Agencies and other administrative structures

Art. 20 of Law № 03 / L-189 lists the types of state administration structures in Kosovo, dividing them into two groups - direct and indirect administration¹¹⁷.

The first group includes:

- 1) **Senior State Administrative Organizations (Organet e larta të administratës shtetërore)** – these include the Office of the Prime Minister of the Republic of Kosovo and the Ministries. Through them, the supreme state administrative bodies mentioned in the previous section (for the current state) exercise their governmental and administrative powers. The areas of administrative competence of these organizations are determined by government regulations on the proposal of the Prime Minister and Ministers and are published in the Official Gazette;

¹¹⁷Those that operate within the central executive in the Republic of Kosovo should be listed.

- 2) **Central bodies of state administration (Organet qendrore të administratës shtetërore)** – they are subordinated to the highest state administrative organizations and perform non-ministerial and other administrative functions covering the entire territory of the country. They are often assigned preparatory and consultative administrative tasks in order to be entrusted by a ministry to those institutions that have the necessary (high degree of) expertise in the field. At the proposal of the supervisory body and after approval by the government, they have the right to establish their own subdivisions, local bodies of the state administration, through which to exercise their powers at the regional level.

The second group - the indirect administration - consists of:

- 1) **Independent bodies of the state administration with the status of a legal entity (Organet e pavarura të administratës shtetërore me statusin e personit juridik)** – these bodies perform state administrative activities that require a high degree of independence in the public interest. The degree of independence in terms of staff recruitment, financial management, internal organization and control is in line with the needs of the body concerned in view of its activities. They are specified in the law by which it is created;
- 2) **Legal entities to which state competencies have been delegated (Personat juridikë të cilëve u janë deleguar kompetenca shtetërore)** – specific administrative powers may also be transferred to a legal entity selected by open competition. The act conferring those powers shall describe in detail the methods of financing and the supervisory mechanisms for the control of the institution concerned.

Conclusions and practices applicable to Bulgaria

The establishment of a public administration in Kosovo is relatively unknown to the newly independent state¹¹⁸. It began in 1999 after the end of the UN-supervised conflict with Serbia and in the context of the emerging quest for European integration¹¹⁹.

As a result, and despite the desire for a conceptual change in Kosovo's public administration in view of the opportunities offered by the new era, the quality of what has been achieved so far has been repeatedly questioned - both by various researchers¹²⁰ and by the EU itself. any development in the country's membership negotiations). This fact is another proof that the achievement of such goals and priorities, which are set in advance from the outside, could not lead to a qualitative change in the way of functioning of a society from the inside

¹¹⁸Batalli, M. (2012, SSRN Electronic Journal) Reform of Public Administration in Kosovo

¹¹⁹Haliti, V. (2018, Research Paper - Postgraduate) Structure of Public Administration in the Republic of Kosovo

¹²⁰Haliti, V. (2018, Research Paper - Postgraduate) Structure of Public Administration in the Republic of Kosovo

when it has not determined for itself the most appropriate way to become an independent, modern and competitive country.

Although there is a general legal framework for the structure of public administration in Kosovo, it proves to be extremely insufficient when seeking specific mechanisms to control and adequately fund different types of bodies and institutions performing tasks of different importance and scope. It can therefore be concluded that the current pro forma legal bases need to be improved and translated in a way that applies to a modern and independent administration.

One of the good practices in this area, which could be further improved both there and in our country – is the preparation and consistent implementation of multifaceted, deep and concrete strategic plans for reforms in the public sector and in particular - the administration.

3. Conclusion

The problems existing in the public sector have different nature and frequency of manifestation. However, the empirically justified and national-specific structure of the state administration is a starting point in the implementation of such institutional reforms that will help to find effective solutions to these problems. The good distribution of responsibilities between the various structures is a prerequisite for a clear understanding of their functions and tasks by citizens and for the institutions to enjoy public trust.

As the central administration, the instrument by which each state policy is first formulated and subsequently implemented, its clear and sound structure is crucial for the quality of any reform. For this reason, the study of foreign experience is particularly important, as it in practice presents possible alternatives for modernization and modern reorganization of the Bulgarian public administration.

We cannot ignore the fact that in most cases the need for administrative reform is the result of pursuing a qualitative change, such as EU membership or overcoming a financial and economic crisis. It is also noteworthy that much of the reform of the public sector in the new century has been supported by a wide range of stakeholders. These include the EC, the World Bank, the IMF and the UN, but also neighboring countries, national and foreign private sector experts, NGOs and others. However, the good intentions of these unique partners could not lead to the expected results when their goals and priorities do not coincide with those on the agenda of central and local authorities, as well as with the macroeconomic situation in the country. Or simply put - **in order to have an effective reform that requires a qualitative change in the way the Bulgarian administration works, it must be proposed and prepared at the national level, using the experience and recommendations of foreign partners.** In no case should it be imposed from outside, according to a foreign and insufficiently known model, which would result in hasty decisions and taking actions that do not correspond to the Bulgarian reality.

The second extremely important precondition for the implementation of effective reform is the **qualitative and in-depth analysis of the specific situation**, and in particular - for each of the administrative structures should be evaluated and assessed:

- The need for its existence in the context of the needs and expectations of citizens;

- Opportunities for structuring such organizations that have the necessary qualities (legal status, funding and expertise) to implement the policies and tasks falling within their area of competence;
- The exclusion of the possibilities for duplication of the functions of the different administrations and therefore - assessment of the possibilities for merging, transfer of responsibilities, etc.;
- Taking into account the opinions and recommendations of the experts from the respective sector, as well as the employees in the specific administration;
- Periodic inspection and assessment of the relevance of the goals pursued by the respective administration and their objectivity in relation to the priorities and tasks set at the national level.

Against the background of these first but absolutely obligatory steps in the management of any public administration reform, it is clear that there are different approaches to organizing the executive authority in individual countries - from a decentralized administration with a high degree of autonomy and overall independence from political actors to highly centralized one with the concentration of the widest possible range of powers and topics in the hands of ministers and government. Thus, although the idea of a highly centralized administrative structure is not preferred by most European countries, this way of organization undoubtedly proves to work in quite a few cases. This is especially true for countries with smaller territories and populations, and the explanation is simple - the concentration of power in the hands of government ensures decision-making at the highest level of those who presumably have the full range of information on the topic. Of course, this type of structuring of the executive power definitely needs a good set of mechanisms for control, transparency and accountability of the competent authorities before, during and after the relevant decisions.

In addition, it should be noted that by the same logic, the number of ministries is also not decisive for the effectiveness of the executive authority. What is really important, and what has the ability to influence the quality of government policies, is the **identification and clear formulation of the portfolios that individual ministers should lead**. This inevitably includes ministers without portfolios along with state secretaries. These institutions are widespread throughout Europe, as they are a key partner and helper in the affairs of line ministries, a factor in the rapid resolution of current socio-economic problems and the active search for compromises through comprehensive negotiations on contentious issues and still insufficiently known for society topics on the political agenda.

However, when we go down one level - in the structures without the rank of ministries - another important feature of good governance in the modern public sector comes to the fore. The new model requires **the use of innovation, resources and organizational practices used in the private sector**. To this end, the active participation of all stakeholders and society is needed in defining, guiding, monitoring and evaluating cooperation between institutions and citizens and in strengthening the coordination mechanisms that should regulate these relations.

Despite the fact that each country has administrative structures without the rank of ministries, which it relies exclusively on to conduct policies and perform specific administrative

tasks, national characteristics such as traditions, social norms and economic indicators have a significant impact on the way of positioning, the organization and the functioning of the individual structures. However, the concept of **improving the quality of the public sector, and in particular the use of mechanisms for effective control over the executive authority and all its subdivisions**, has been established as a general rule. Achieving high quality products and services in the public sector is also an extremely complex process, including clear procedures for internal administration, investment in human capital, fair and transparent allocation of financial resources and efficient tools for regular and independent internal and external audit.

Looking more closely at this type of political-administrative methods of quality management, the following few examples of internationally recognized and effective mechanisms can be derived:

- Hearing of the candidate ministers before one or more parliamentary committees in the open in order to check their professional competencies and personal assessment. Conducting these preliminary consultations with parliament can be particularly useful in constituting a government with a high degree of efficiency, expertise and confidence;
- Agreements between the administrative structure and the ministry under whose auspices it operates, containing agreed and / or statutory priorities and tasks, as well as indicators for measuring their achievement, its effectiveness, efficiency, etc.

Finally, the current analysis should conclude by emphasizing the importance of having administrative registers and online databases in undertaking such a large-scale and in-depth study. Quick, easy and free access to information on the structure of public administration in each country is crucial for a clear understanding of its functions and increasing confidence in its activities. The unrestricted use of this information can qualitatively improve the public sector as a whole and everywhere, opening the horizon for more partners and therefore solutions.