

# Territorial State Administration of the Visegrad Countries (V4)

Zoltán HEGYESI

## Abstract

This article analyses the territorial state administration of the V4 Countries (Czech Republic, Poland, Hungary and Slovakia), with trying to highlight some important features about the task-performing system of the chosen countries in a comparative perspective.<sup>1</sup> Besides analysing similarities and singularities of the current task-performing systems, the article also gives a short summary about the current ruling trends and tendencies of public administration development in V4 countries. This additional topic is necessary and can not be avoided because of the continuous changing of territorial state administration generated by the policy makers. In order to give a comprehensive image of the task-performing systems, we applied institution-based approach as a method.

## Keywords

comparative public administration V4 countries, territorial state administration, organizational system, trends in public administration

## Introduction: Comparative Law and Comparative Public Administration

From the point of view of our subject, it is important to distinguish between comparative administrative law and comparative public administration. In the practice of comparative administrative law, the starting point is directly related to the legal institution, the legal norm or at least the specific regulatory issue under review. This also means that such researches typically move and draw conclusions within the framework of legal interpretation.<sup>2</sup>

Parallel to these, it can be stated the subject of the comparative public administration is the public administration itself. Naturally, this also implies that the understanding of the public administrations' functioning cannot be separated from positive law.

<sup>1</sup> A study on a similar subject was published in 2019 in hungarian: HEGYESI, Zoltán: A visegrádi országok területi államigazgatása. [Territorial State Administration in V4 Countries]. in: *Új Magyar Közigazgatás*, 2019, 3.

<sup>2</sup> See, for example: RENÉ, Seerden J.G.H. (ed.): *Administrative Law of the European Union, its Member States and the United States, A Comparative Analysis, 3rd Edition*, Cambridge 2018., GERENCSÉR, Balázs Szabolcs (ed.): *Összehasonlító és Európai Unió közgazgatási jog [Comparative Administrative Law and Administrative Law of the European Union]*, Budapest 2015. The following work: ROSE-ACKERMAN, Susan – LINDSETH, Peter – EMERSON, Blake (eds.): *Comparative Administrative Law, 2nd Edition*, Cheltenham, Northampton 2017 uses a methodology different from the classical approach, which is actually a cultural comparative work.

Therefore, during the scientific examination of public administration, law is a determining, but not an exclusive factor. The comparative administrative works usually reflect an interdisciplinary or multidisciplinary approach.<sup>3</sup> At this point, we have to mention Zoltán Magyar – an internationally renowned practitioner of the Hungarian public administration science – who attempted to synthesize public administrative law and public administration science in his work entitled to *Magyar Közigazgatás (Hungarian Public Administration)*.<sup>4</sup>

## Applied Methodology

This comparative public administrative study uses the tool of spatial comparison for the examination.<sup>5</sup> However, it poses a challenge to select countries for this comparison. In order to determine this, at first it is necessary to consider the following aspects: 1) similar historical-political-cultural traditions; 2) example-following administration – mainly German, and French in a lesser extent; 3) 'Euro-conform' public administration.<sup>6</sup> With all these in mind, the Visegrad Countries (Czech Republic, Poland, Hungary<sup>7</sup> and Slovakia) have been selected from the Central European, post-socialist countries.<sup>8</sup> A further question is that how and by what criteria the comparison itself can be made and a valid conclusion can be drawn. The subject of the study is the territorial level of state administration and the system of state administrative tasks. Examining this issue is far from being untroubled, as the administrative structure and functioning of each country are different, and the regional governments and settlement-level municipalities created through decentralization play a decisive role in the performance of state administrative tasks, while

3 See, for example: CHANDLER, J. A. (ed.): *Comparative Public Administration, 2nd Edition*, London 2014., KUHLMANN, Sabine –WOLLMANN, Hellmut: *Introduction to Comparative Public Administration. Administrative systems and reforms in Europe*, Cheltenham, Northampton 2014., KUHLMANN, Sabine –WOLLMANN, Hellmut: *Introduction to Comparative Public Administration. Administrative systems and reforms in Europe*, Second edition, Cheltenham, Northampton 2019.; ONGARO, Edoardo (ed.): *Public Administration in Europe. The Contribution of EGPA*, New York, 2019., TEMESI, István: *Regionalizmus és regionalizáció [Regionalism and Regionalization]*, Pécs 2006. <https://ajk.pte.hu/files/file/doktori-iskola/temesi-istvan/temesi-istvan-vedes-ertekezes.pdf> (Accessed: 11.06.2021).

4 MAGYARY, Zoltán: *Magyar Közigazgatás [Hungarian Public Administration]*, Budapest 1942, 6.

5 Lajos Lőrincz, a prominent representative of Hungarian public administration science, distinguishes two dimensions of comparison: spatial and temporal comparison. "In the case of spatial comparison, the same phenomena and institutions can be compared on the basis of their different geographical location and occurrence, usually at the same time. Temporal comparison primarily follows changes over time in the same phenomena in the same area." See in: LŐRINCZ, Lajos: *Összehasonlítás a közigazgatásban [Comparison in Public Administration]*, in: *Magyar Közigazgatás*, 1999, 1, 225–230.

6 All EU member state's administrations are euro conform. LŐRINCZ, Lajos (ed.): *Közigazgatás az Európai Unió tagállamaiban [Public Administration in the Member States of the European Union]*, Budapest, 2006, 18.

7 For more information about the Hungarian public administration in English see: PATYI András – RIXER Ádám (eds): *Hungarian Public Administration and Administrative Law*, Passau 2014.

8 For a description of post-socialist countries as independent models, see: SZAMEL – BALÁZS – GAJDUSCHEK – KOI (eds.) op. cit. Another classification, based on EIPA research, also distinguishes Eastern European and South Eastern European traditions. See in: HALÁSKOVÁ, Martina: *Public Administration in EU Countries. Selected comparative approaches. Central European Review of Economic Issues*. 2015, 18, 45-58. <https://www.ekf.vsb.cz/export/sites/ekf/cerei/cs/cisla/vol18/vol18num1/dokumenty/VOL18NUM01PAP04.pdf> (Accessed: 11. 06. 2021).

in other member states the general authority responsible for the territorial representation of the Government has most of the functions and powers of the state administration.<sup>9</sup> It would be better for the research if there would be a territorial state administration body with general competence in each of the selected countries. In the absence of such in the Czech Republic,<sup>10</sup> it is appropriate to examine how the performance of state administrative tasks is carried out at regional and local level.

Therefore, the first task is to determine whether the given country has a mid-level state administration body with general competence in the territorial representation of the central administration (Government), which thus provides a coherent structure for handling most of the state administrative matters. Based on this, the study examines the organizational structure of the territorial state administration, including the legal status, functions and powers of the territorial representative of the state, the additional territorial administration bodies, and the role of decentralized administration in the performance of state administrative tasks. It is also a part of the methodology that the present work essentially seeks to highlight the specialties of the countries examined. Its main purpose is to provide relevant information on the current system of administrative tasks and the relationship between deconcentration and decentralization in the Visegrad Countries after the New Public Management (NPM), by evaluating the results. A further question is that whether the domestic changes in the territorial state administration of recent years and their directions – re-centralization, concentration of functions and powers, organizational integration – can be detected in other countries, or it is an exclusively Hungarian specialty.

## Organizational System of Territorial State Administration

Hungary, Poland and Slovakia have dual public administration systems, which means that state administration and local administration are separated. In contrast in the Czech Republic, which is included in monist models, the key actors of the state administrative tasks are the municipal authorities, established through decentralization (on NUTS 3 level), and the settlement-level municipalities. In organizational terms, Poland has the most stable territorial state administration. In a taxative way, the Polish legislation in force<sup>11</sup> taxatively defines the bodies which have autonomous state administrative functions and powers in the area of Voivodina (NUTS 2 region):

- the voivode,
- integrated state administrative bodies under the control of the voivode, including the heads of integrated services, surveillances and the Voivodeship Police,

---

9 BALÁZS, István: Az államigazgatási hatósági szolgáltatások közigazgatás-szervezési modelljei [Models of Public Administration Organization of Public Administration Services]. in: *Új Magyar Közigazgatás*, 2015, 3, 2–13.

10 See: <http://eastr-asso.org/fiches-pays> (Accessed: 11. 06. 2021).

11 Act on Voivode and Government Administration in the Voivodeship of 23 January 2009.

- non-integrated territorial state administrative bodies,
- the head of the district administration,<sup>12</sup> acting in the state administrative power of the starosta,
- territorial and local self-governments (at regional, district and municipal level) and their bodies, and their associations by legislation or agreement.

In Hungary and in Slovakia, the government's territorial state administration body with general competence is on NUTS 3 level. The common feature of the two countries is that the legislator has reorganized and redrawn the organizational system of the state administration several times since the regime change. This continuous organizational change did not show a downward trend in this decade either.<sup>13</sup> In other words, from a structural point of view, the territorial state administration is unstable in these countries. Another common feature is that the changes of recent years have resulted in a high degree of organizational integration of territorial state administration. The complete review of this deconcentrated body scope also supports this statement, which resulted in the elimination of the vast majority of regional (district, in the case of Slovakia) and local state administrative bodies, and their functions and powers has been integrated into newly established bodies with general competences<sup>14</sup> (this process is also called as external integration).<sup>15</sup>

12 The starosta is the head of the executive body of the district's self-government, the district board. For his position in the organizational system of the territorial administration, see: SAKOWICH, Marcin: Rebirth of Local Government in Poland: 25 years of Decentralization Reform, in: *The Palgrave Handbook of Decentralisation in Europe*, RUANO, José Manuel – PROFIROIU, Marius (ed.): Palgrave Macmillan, Springer 2017, 336–340.

13 See in: KLIMOVSKÝ, Daniel: *Inter-municipal Cooperation in Slovakia. The Case of Regions with Highly Fragmented Municipal Structure*, Novo Mesto 2014, 51–90.

14 For details on the directions of public administration development in Hungary and the integration of the territorial state administration, see: BALÁZS, Isván: *A közigazgatás változásairól Magyarországon és Európában a rendszerváltástól napjainkig [Changes in Public Administration in Hungary and Europe Since the Change of Regime until Today]*, Debrecen 2016.

15 In the case of Slovakia, as a first step, 64 district-level bodies – including land, education offices, education offices, environmental authorities, transport authorities and forestry directorates – were abolished, as well as regional state administration offices, which in some cases also have territorial representation of the state. This reform did not only concern the deconcentrated bodies with special powers, but also the universality of the territorial state administrative bodies with general powers, abolishing or reorganizing the district offices. For the position of the relevant bodies in the public administration, see: MARIŠOVÁ, Eleonóra –PÉTERI, Gábor: *Administrative Law*, Nitra 2012. 30–33.; MASÁROVÁ, Jana – KOIŠOVÁ, Eva – HABÁNIK, Jozef: Public Administration in the Territory of the Slovak Republic after 1990, in: *Sociálno Ekonimická Revue*, 2017, 1, 52–64. <https://fsev.tnuni.sk/revue/papers/178.pdf> (Accessed: 11. 06. 2021).

The objectives of the Public Administration Reform Programmes (ESO – Effective, Reliable and Open PA; Effective Public Administration 2014-2020, National Reform Programme of the Slovak Republic 2018) in Slovakia are partly related to the former New Public Management (NPM) and Good Governance public administration development trends.<sup>16</sup> However, as in Hungary, it sees the guarantee of an adequate level of performance of state administrative tasks in the state administrative bodies organized through centralization and deconcentration.<sup>17</sup>

### ***The Status and the Most Important Functions and Powers of the Territorial Representative of the State***

We can find many similarities in the mandate of the state territorial representative for Poland, Slovakia and Hungary. For example, each country's regulations require citizenship, legal capacity and impunity as conditions of appointment. In addition, it can be noted that the territorial representatives are considered as political leaders, and their mandate is obtained from the Prime Minister (or from the Government, in the case of Slovakia), on the proposal of a Minister.

In Poland, the territorial representation of the central state is the responsibility of the voivodes (16 people).<sup>18</sup> In addition to the above, the Polish legislation requires 3 years of experience in personal matters, but good reputation is also required. At the same time of his appointment, the voivode grants a guarantee that he will perform his tasks on the appropriate level during his term of office. Nevertheless, he is considered as a political leader, not as an administrative professional.<sup>19</sup> The mandate of the voivode is for an indefinite period, and he may be withdrawn from duty or may be dismissed at any time without reasoning by the decision of the head of the Government. Despite the indefinite appointment, they are typically replaced when a new government is established.<sup>20</sup>

The functions and powers of the voivode are determined by law based on the Polish Constitution in force. Accordingly, Article 3 of the Law on the State Administration of the Voivodina<sup>21</sup> concludes that the voivode is the representative of the Council

---

16 RANDMA-LIIV, Tiina – DRECHSLER, Wolfgang: Three decades, four phases: Public administration development in Central and Eastern Europe, 1989-2017, in: *International Journal of Public Sector Management*, 2017, 6-7, 595-605. <https://doi.org/10.1108/IJPSM-06-2017-0175>.

17 Comp.: JACKO, Tomáš – MALÍKOVÁ, Ludmila: Public Administration in Slovakia – One Step forward, Two Steps back? in: *The Past, Present and the Future of Public Administration in Central and Eastern Europe*, VINTAR, Miro – ROSENBAUM, Allan – JENEI, György – DRECHSLER, Wolfgang, Bratislava 2013, 227–250.; DUDINSKÁ, Irina – CIRNER, Michal: Crucial Legislative Reforms in Public Administration in Slovakia Since 1990. *Hungarian Journal of Legal Studies*, 2016, 1, 25–41. <https://akademai.com/doi/abs/10.1556/2052.2016.57.1.3> (Accessed: 11. 06. 2021).

18 <https://www.eastr-asso.org/fiches-pays> (Accessed: 11. 06. 2021).

19 On the territorial representation of the state in Europe in comparative aspects, see: TEMESI, István: Az állam területi képviselete Európában [Territorial Representation of the State in Europe], in: *Pro Publico Bono – Magyar közgazgatás*, 2016, 3.

20 <https://www.eastr-asso.org/fiches-pays> (Accessed: 11. 06. 2021).

21 Act on Voivode and Government Administration in the Voivodeship of 23 January 2009.

of Ministers,<sup>22</sup> and in accordance with the decisions of the Government, he coordinates and facilitates the territorial execution of the governmental tasks. In relation to the latter, he manages and coordinates the activities of the joined administrative bodies operating under his subordination, and he also monitors the performance of state administrative tasks delegated by law or contracted out by self-governments in terms of legality, efficiency and expediency. As a body with general competence, its functions and powers are not limited to a single administrative sector, but it is extended to all administrative matters in the Voivodeship that are not expressly referred by law to another body's competence. In statutory cases, he is acting as a court of first instance,<sup>23</sup> and in most state administration cases as a general forum of legal remedy. In addition to the handling of state administration matters, it is important to mention that within his area of competence, he is also responsible for interpreting the rules of state administrative proceedings. Furthermore, he also oversees the lawfulness of self-governments,<sup>24</sup> and – as the representative of the State Treasury – he oversees the management of state assets within the area of the voivodeship.

The working organization of the voivode is the Voivodeship Office, which is made up of departments and main departments. It is also important to mention the *województwa administracja zespolona*, (integrated administrative bodies) under the control of the voivode, which have autonomous functions and powers. At present, there are 14 integrated state administrative bodies, such as the Regional Police, the State Fire Service, the monument protection agency, the pharmaceutical authority and the commercial authority. As a general rule, the organizational and operational rules are determined jointly by the voivode and the Voivodeship Office. In the absence of contrary provisions of law, the integrated administrative bodies carry out their tasks with the help of the Voivodeship Office. The voivode, who has political responsibility for their activities, provides them the conditions to perform their tasks effectively. Accordingly, the voivode, on the one hand checks, and on the other hand, coordinates their operation. However, it is important to highlight that – despite their common features – the legal status of each body is different. Examples of this are the leaders of the Regional Police and the State Fire Service, who – unlike in the case of other bodies – are not appointed or dismissed by the voivode, and who, in addition, are members of the Advisory Board of the Voivodeship by law.<sup>25</sup> However, it would be difficult to imagine an efficient, citizen-centered delivery of tasks if the integrated public administration organized at regional level did not have subordinate units. For this reason, some bodies, such as police stations and fire departments also have district-level units. These bodies have their own management, autonomous functions

22 Consequently, he also entitled to represent the Voivodeship, for example in the case of diplomatic visits. The significance of this is appreciated in the context of the Voivodeship municipality. For an analysis of potential conflicts between the voivodeship and the Marshal, see: BARANYAI, Nóra: *A kormányzás területi, történeti és társadalmi dimenziói [The Territorial, Historical and Social Dimensions of Governance]*, Pécs 2013, 100–110. [http://www.rkk.hu/rkk/publications/phd/baranyai\\_ertekezes.pdf](http://www.rkk.hu/rkk/publications/phd/baranyai_ertekezes.pdf) (Accessed: 11. 06. 2021).

23 For example, passport administration and procedures for approving railway track construction.

24 See more in: KULESZAD, Michał – SZEŚCİŁO, Dawid: Local Government in Poland, in: *Local Government in the Member States of the European Union: A Comparative Legal Perspective*, MORENO, Angel-Manuel (ed.), Madrid, 2012, 491.; About the contents of the supervisory power, see: PAWŁOWSKI, Sławomir: Administrative Law, in: *Handbook of Polish law*, DAJCZAK, Wojciech – SZWARC, Andrzej J – WILIŃSKI, Paweł (eds.), Warszawa 2011, 261–262.

25 See more in: SZAMEL – BALÁZS – GAJDUSCHEK – KOI (eds.) op. cit., 685.

and powers, but are under the control of the stratostra, who, among other things, exercise staffing powers over the leaders of the body.

Compared to these, the Hungarian characteristics can be summarized as follows. In Hungary, the appointment of a Government Commissioner is linked to the Prime Minister's mandate, which means that his legal relationship ends at latest when the Prime Minister's mandate ends. The Government Commissioner is the head of the Government Office. The seat of a county government office is in the county seat, and the seat of the Government Office of the Capital City Budapest and the seat of the Government Office of Pest County are in Budapest. The government office is made up of departments and district offices run directly by the Government Commissioner. The branch-offices of the Government Office are the district offices and the metropolitan district offices.<sup>26</sup> They have differentiated functions and powers.<sup>27</sup>

District offices have independent functions and powers, and most first instance administrative matters are handled at this level.<sup>28</sup> The branch-offices of the district offices are the government windows (one-stop shops).<sup>29</sup> It should be noted that the internal organizational units and the district offices do not have separate functions and powers. In organizational terms, this means decisive influence and total subordination, but the decisional right of the head of the body is not absolute, it can be exercised within a legal framework. The system developed as a result of internal and external organizational integration in recent years raises questions in the field of the enforcement of administrative aspects. On the one hand, with the end of the professional management power, the legal instruments needed to ensure a uniform level of law enforcement have been narrowed down at the central sectoral level. On the other hand, the transformation of the forum system of legal remedies (the general redress procedure available upon request has become the administrative actions instead of appeal procedures) led to a new particular situation in which the courts should play the role of the former authorities of second instance, enforcing specific administrative interests, too.

The central territorial units of Slovakia are the districts (79), which are of particular importance for the current state administration system. In the two largest cities – the capital, Bratislava and Kosice – several district-level municipalities have been established. This is important, because the number of governmental administrative bodies with general competence is 72, thus – unlike the other countries examined – the system is only partially adapted to the territorial structure of the country. Unlike in the case of Hungary and Poland, their constitution does not mention district offices established in 1st October 2013, or the territorial representation of the state. The rules concerning the organization

<sup>26</sup> The districts, as territorial units (on LAU 1 level) are therefore primarily linked to the territorial administration.

<sup>27</sup> For details, see: HEGYESI, Zoltán: A járások szerepe az államigazgatási hatósági feladatok ellátásában [The Role of District Offices in Performing State Administrative Tasks]., in: *Pro Publico Bono – Magyar Közigazgatás*, 2019, 1, 4–21. [https://folyoiratok.uni-nke.hu/document/nkeszolgalgaltato-uni-nke-hu/WEB-PPB\\_2019\\_1---004-021\\_Hegyesi.pdf](https://folyoiratok.uni-nke.hu/document/nkeszolgalgaltato-uni-nke-hu/WEB-PPB_2019_1---004-021_Hegyesi.pdf) (Accessed: 11. 06. 2021).

<sup>28</sup> However, this does not mean exclusivity, see for example the role of the clerk in performance of state administration tasks.

<sup>29</sup> See: Act CL of 2016 on the Code of General Administrative Procedure, Section 37 (1) about the submission of the application: „The application may be submitted to the authority having territorial competence or, unless precluded by an Act or government decree, to a government window.”

are determined by Government Decree 180/2013 on local state administrative bodies and certain related amendments. A unique feature is that the management powers of the central public administration are diverse towards the territorial state administration. Partly as a consequence, management, leadership, organization, functions and powers of the district offices with general competence are also special in a certain way. The heads of department are appointed and exercised by the registrar on the proposal of the head of the central public administrative body, who carries out administrative activities in the given (same) sector. The explanation of this complex system is that the heads of department – deviated from the Hungarian practice – have autonomous functions and powers, and accordingly the district office is under double (shared) management. It is organically managed by the Ministry of Interior, while its professional management is carried out by specialized central state administrative bodies. This latter of paramount importance for the enforcement of administrative aspects. For example, in the context of each administrative tasks, a statutory professional controlling body responsible for the given sector may carry out audits in term of professionalism and efficiency. On the basis of shared management, the Ministry of Interior, in agreement with the professional governing bodies, determines the regulation of organization and operation procedures of the district offices. The aforementioned departments are responsible for various sectoral tasks. District offices are divided into two groups, according to their functions and powers, i.e. they are not uniform. The functions and powers of each district office include, for example, civil protection and environmental and land registry procedures. The other group includes the priority district offices (42), in addition to which there is a department responsible for trade, transport authority, administration, agriculture, forestry, hunting and landscaping.<sup>30</sup> As a result of the organizational integration of recent years, the coordination activity of the territorial state administration body with general competence has also changed, its main function is not this, but to ensure unified administration through integrated customer services.<sup>31</sup> The head of the district office at the eight district (kraj) seat has special status; in fact, they are entitled to the general rights of a territorial representative of the state. In this context, it should also be emphasized that in Slovakia, the legal supervision of local governments is not linked to the executive power but to the prosecution.<sup>32</sup>

30 For details, see: MARIŠOVÁ, Eleonóra – MALATINEC, Tomáš – GREŠOVÁ, Lucia: The Europeanization of the Slovak Administrative Law and Current State Administration Reform in the Agriculture, Forestry and Land Sector, in: *Agrárne právo EÚ*, 2013, 2, 72–80. <https://content.sciendo.com/view/journals/eual/2/2/article-p72.xml> (Accessed: 11. 06. 2021).

31 Comp.: KLIEROVÁ, Martina – KÚTIK, Jan: From Old Public Administration to the New Public Service, in: *Social & Economic Review*, 2017, 2, 86–93. <https://fsev.tnuni.sk/revue/papers/170.pdf> (Accessed: 11. 06. 2021).

32 For more, see: FAZEKASNÉ PÁL, Emese: A törvényesség biztosítása a közigazgatásban, különös tekintettel a helyi önkormányzatok törvényességi felügyeletére [Ensure Legality in Public Administration, with Particular Emphasis on Supervising the Legality of Local Governments], Pécs 2019, 90-91. <https://ajk.pte.hu/files/file/doktori-iskola/fazekasne-pal-emese/fazekasne-pal-emese-vedes-ertekezes.pdf> (Accessed: 11. 06. 2021).; MIHÁLIK, Jaroslav – ŠRAMEL, Bystrík: Supervision of public prosecution service over public administration: the case study of Slovakia, in: *Public Policy and Public Administration*, 2018, 2, 192–202. <https://www3.mruni.eu/ojs/public-policy-and-administration/article/view/4563> (Accessed: 11.06.2021).



### ***Further Bodies of Territorial State Administration***

In Poland, in addition to the integrated state administrative bodies, there are other sector-controlled, deconcentrated bodies – the so-called non-integrated state administrative bodies (*województwa administracja niezespołona*) – such as statistical and tax and customs authorities, water and forestry directorates, border management agencies. The creation of such bodies is possible only in justified cases, in the form of a law. Their name also implies that they are organizationally independent from the voivode, and they are usually subordinate to the head of a ministry or a central state administration body. The Act on Voivode and Government Administration in the Voivodeship defines the scope of these bodies in detail.<sup>33</sup> It can be read from the law that the majority of the given public administrative bodies are of a particular competence, entrusted with official authority, and their powers do not necessarily correspond to the territory of the given voivodeship.<sup>34</sup> It is important to emphasize that the voivode, as the territorial representative of the state, coordinates their activities, and as a general rule, he exercises staffing powers. In addition, the heads of the deconcentrated bodies report annually to the competent voivode on their activities.<sup>35</sup> Further complicating the system of administrative tasks – as in the case of state administrative bodies – certain non-integrated state administrative bodies also have district offices.<sup>36</sup>

Compared to these, it is a difference that in Hungary the Government Commissioner does not exercise staffing powers over other bodies of the territorial state administration. Legal standard stipulates that the territorial bodies of central state administrative bodies, and other organs and persons with territorial competence in the exercise of their state administrative powers and in relation to the state administrative functions they perform – with the exception of law enforcement agencies and the National Tax and Customs Administration – are subject to the supervisory powers of the Government Office.<sup>37</sup> The activities of these bodies are coordinated by the Government Commissioner. Examples of such territorial state administrative bodies that are not involved in the integration with the Government Office are the County Directorates of the Hungarian State Treasury, the Directorates of the Integration and Asylum Office and the Water Directorates.<sup>38</sup> It follows from the above that in Slovakia, the territorial bodies of central administrative bodies not involved in integration are still operating – though in a relatively small number. The control and coordination powers of municipal district registrars extend to the territorial state administrative tasks related to the given district. It cooperates with other territorial

33 Act on Voivode and Government Administration in the Voivodeship of 23 January 2009, Article 56.

34 Such state administrative bodies with multi-voivodeship competence (so-called inter-territorial bodies) are for example the district mine inspectorates.

35 See more in: MOŹDŹEŃ-MARCINKOWSKI, Michał: *Introduction to Polish Administrative Law, Second Revised Edition*, Warsaw 2012, 97.

36 On this basis, official veterinarians also operate at district level.

37 Act CXXV of 2018 on Governmental Administration, Section 42.

38 For details, see: BARTA, Attila: *Messze-e a távol? Pillanatkép területi államigazgatásunk aktuális rendszeréről és ügyfélszolgálati megoldásairól* [“How Far is Afar?” – The Current System and Customer Service Solutions of Hungarian Territorial State Administration at a Glance], in: *Új Magyar Közigazgatás*, 2018, 4, 13–14. [http://kozszov.org.hu/dokumentumok/UMK\\_2018/4/02\\_tanulmanyok\\_Allamigazgatas.pdf](http://kozszov.org.hu/dokumentumok/UMK_2018/4/02_tanulmanyok_Allamigazgatas.pdf) (Accessed: 11. 06. 2021).

and local public administration bodies, but its powers are weak.<sup>39</sup> It is also true for Slovakia that the territorial bodies of the central public administration show a diverse picture, which is noticeable not only in the nature of the tasks, but also in the area of operation of these bodies. These are, among others, the territorial bodies of police, fire and rescue services, mining authorities, territorial employment offices and veterinary and food chain inspection agencies.<sup>40</sup>

## Involvement of Local Governments in State Administrative Tasks

Significant differences can be observed among the examined countries, which are also present at the conceptual level, depending on the role of their local government system in the performance of state administrative tasks. It can be stated that among the V4 countries, the Czech Republic has the largest involvement of local self-governments in the performance of state administrative tasks. The reason for this is that the state administration and the local government administration are not separate. Consequently, in addition to their own functions, the self-governments at district and municipal level are largely responsible for the implementation of state public administration.<sup>41</sup> In addition, some deconcentrated bodies of central state administrative bodies with special powers are involved in the performance of state administrative tasks.<sup>42</sup> Currently, there are a very large number of 6,249 settlements in the Czech Republic.<sup>43</sup> The situation is complicated by the fact that the functions and powers of the settlement-level municipalities are not the same, and on the basis of this, they can be divided into further groups.<sup>44</sup>

---

39 See in: KOVÁČOVÁ, Eleonóra: *The System of Public Administration in the Slovak Republic*, Bratislava, 2015, 70–71.

40 About this, see: NEMEC, Juraj: *Public administration characteristics and performance in EU28: Slovakia*, Brussels European Commission 2018, 891.; And about the structure of a sector – the labour administration – see: BARCZI, Dávid: The administration of employment in Slovakia, in: *Cadernos de Dereito Actual*, 2016, 4, 83–95. <http://www.cadernosdedereitoactual.es/ojs/index.php/cadernos/article/view/102> (Accessed: 11. 06. 2021).

41 For details on the legal status of self-governments, see: POSPÍŠIL, Petr - LEBIEDZIK, Marian: Some of the theoretical basis of local self-government in the Czech Republic, in: *DANUBE: Law, Economics and Social Issues Review*, 2017, 1, 31–43. <https://content.sciendo.com/view/journals/danb/8/1/article-p31.xml> (Accessed: 11. 06. 2021).

42 For instance, branches of employment offices, statistical offices, directorates of tax offices. See more in: ŠPAČEK, David – NEMEC, Juraj: *Public administration characteristics and performance in EU28: The Czech Republic*, Brussels 2018, 181–182.

43 <http://www.smocr.cz/en/important-info/structure-of-territorial-self-government.aspx> (Accessed: 11. 06. 2021).

44 See om: HLADÍK, Jan – KOPECKÝ, Václav: Public administration reform in the Czech Republic, Association for International Affairs, Research Paper 3/2013. <https://www.amo.cz/wp-content/uploads/2015/11/amocz-RP-2013-3.pdf>, 114. (Accessed: 11. 06. 2021).

From the point of view of the subject, according to the delegated exercise of state administrative functions and powers, the following three groups can be distinguished:

- Type III municipalities with extended powers (*obce s rozšířenou působností*) (205)
- Type II municipalities with a designated office (*obce s pověřeným obecním úřadem*) (388)
- Type I municipalities (*obce* – all municipalities).<sup>45</sup>

The types listed above are based on the system of administrative tasks. Accordingly, Type III municipalities have most of the delegated state administrative functions and powers, including those at Type I and Type II levels. The exclusive responsibilities of the 205 municipalities with extended powers include, for example, the issuance of identity cards, passport management, forestry, hunting and fisheries management and child services functions – in parallel, its area of competence is similar to that of previous districts. Type II municipalities are responsible for, among other things, field guarding and other environmental protection functions, and, for example, all municipalities are responsible for traffic control. The system is further complicated by the fact that the construction authority tasks belong to 1036 settlement-level municipalities. District or provincial self-governments, for example, have the functions and powers of protection of monuments and statutory civil protection tasks.<sup>46</sup> The Ministry of Interior oversees the legality of local self-governments in the Czech Republic. In contrast, in the exercise of delegated state administrative functions and powers, the relevant sectoral body has supervisory powers.<sup>47</sup> In Poland, the otherwise three-tiered municipalities are also involved in a significant number of state administrative tasks. Local authorities (or their bodies) act as first instance state administrative authorities<sup>48</sup> in matters such as personal data and address registration, self-employment issues, civil status and land registry procedures or personal taxi service licensing, or in determining the mental health care fee.<sup>49</sup> The district and Voivodeship municipalities have fewer state administrative functions and powers, which can be explained by the principle of subsidiarity.<sup>50</sup> Related to this, the tasks are different in nature, as at these levels, there are more public service organizing tasks and less authority tasks compared to the municipal level. In Slovakia, similarly to the other countries, decentralization became the major trend in public administration development in the 2000s. Accordingly, a large number of state administrative functions and powers have been delegated by legislation to local self-governments, for example, a part of road administration, construction authority and environmental authority tasks and matters of civil register.<sup>51</sup> Given the fragmented

---

45 KADEČKA, Stanislav: *Local Government in the Czech Republic, in: Local Government in the Member States of the European Union: a Comparative Legal Perspective*, MORENO, Angel-Manuel (ed): Madrid 2012, 114.

46 ŠPAČEK - NEMEC op. cit. 182.

47 FAZEKASNÉ PÁL, op. cit. 90.

48 In depth analysis of the current Polish legislation in: MULAWA, Marta: Classification of the Tasks of Local Governmental Units in Poland in the Light of Fundamental Legal Acts – Discussion of Selected Aspects, in: *Barometr Regionalny. Analizy i prognozy*, 2013, 2, 33–42.

49 Comp.: SAUER, Adam: The System of the Local Self-Governments in Poland. Association for International Affairs, Research Paper 6/2013, 11–12. <https://www.amo.cz/wp-content/uploads/2015/11/amocz-RP-2013-6.pdf> (Accessed: 11. 06. 2021).

50 For details of the delegated functions and powers of the district and voivodeship governments, see: SAUER, op. cit. 12–13.

51 For more, see: NEMEC, Juraj: Public Administration Reforms in Slovakia: Limited Outcomes (Why?), in: *NISPAcee Journal of Public Administration and Policy*, 2018, 1, 127. <https://content.sciendo.com/view/journals/nispa/11/1/article-p115.xml> (Accessed: 11. 06. 2021).

settlement structure of the country, carrying out the tasks at the appropriate level has been a heavy burden for many smaller municipalities, even though their own financial resources (theoretically) not affected. To solve this problem, the legislator made it possible to set up joint municipal offices. There are currently 233 such offices in the county.<sup>52</sup> A central government body, the Government Office of the Slovak Republic exercise effective control over the devolved state administration functions and powers of local self-governments.<sup>53</sup> In 2009, nearly 10 million first instance state administrative cases were handled by municipalities – especially clerks – in Hungary in their competence of state administration.<sup>54</sup> From 2010, the directions of public administration development changed, emphasizing the need for a stronger state public administration – in connection to our topic, the organizational integration of the territorial state administration – and the related review of the state administration tasks performed by the local governments.<sup>55</sup> As a result, a mixed system was created. A significant part of the devolved state administrative tasks was transferred to the district offices created in 2013,<sup>56</sup> but the clerk continued to exercise a large number of important state administrative powers.<sup>57</sup>

## Summary

In the Czech Republic, the principle of decentralization clearly dominates the exercise of state administrative functions and powers. This is explained by the fact that it has a unified organizational system of public administration – integrated, in this approach – so the sharp separation of the subsystems of state administration and self-government is not implemented, unlike in the case of the other Visegrad countries.

The territorial state administration systems of Hungary, Slovakia and Poland are interconnected in many other areas besides the establishment of dual public administrations, and in some respects, the current processes point in the same direction, with basic country specifics.

As a result of the permanent organizational integration that has taken place in recent years, the number of territorial state administrative bodies has decreased significantly in Slovakia and Hungary, and in parallel, the functions and powers of territorial authorities with general competence have increased. We can say about the territorial state administration of both countries that there is a high degree of organizational integration, and in recent

52 For more details, see: FRANZKE, Jochen – KLIMOVSKÝ, Daniel – PINTERIČ, Uroš: Does Inter-Municipal Cooperation Lead to Territorial Consolidation? A Comparative Analysis of Selected European Cases in Times of Crisis, in: *Local Public Sector Reforms in Times of Crisis. National Trajectories and International Comparisons*. KUHLMANN, Sabine – BOUCKAERT, Geert, Palgrave Macmillan, 2016, 81–98.

53 Statute of the Government Office of the Slovak Republic. 162/2007. Approved by the Gov. Article 4. (1) 5.

54 About 70% of the municipal clerks' tasks were state administration tasks. See more in: BALÁZS, István (eds.): *Helyi önkormányzatok* [Local Governments], Third, revised edition, Debrecen 2014, 68–71.

55 Magyar Zoltán Közigazgatás-fejlesztési Program 11.0 és 12.0 [Zoltán Magyar Public Administration Development Program 11.0 and 12.0].

56 Among other tasks, guardianship, environmental protection and DMV tasks.

57 Among other things, birth certificate issues, succession proceedings, tax administration, child welfare and social benefits, certain building authority cases, etc. See more in: BALÁZS, István et al., op. cit., 71–72.

years, the directions of public administration development are directed towards the further development of single window administration, in addition to e-administration. It is interesting that in Hungary, local self-governments – contrary to the initial ideas – continue to be involved in the performance of state administrative functions, which have not been clearly separated from local government functions, and even parallels are present. Another important difference is that the internal organizational units of government and district offices do not have separate functions and powers, which raises the problems detailed above.

The Polish territorial state administration is also integrated. This integration can be interpreted partly in organizational, but even more in operational sense, since voivodes also have strong powers towards territorial state administrative bodies not concerned by integration. After all, recent administrative reforms have resulted in the strengthening of the bodies of the state administrative subsystem, while at the same time the content of local democracy and self-government has been changed, mainly as a result of the concentration of functions and powers that have taken place.<sup>58</sup> This statement is confirmed by the Report CG36 (2019) 13 of the Congress of Local and Regional Authorities of Europe.<sup>59</sup> In conclusion, although local governments perform a significant number of state administration tasks – however at a decreasing rate – in parallel, an increase in the tasks of the system of state administration can be observed. Thus, the current tendencies towards decentralization mean a stronger emphasis on the principles of centralization and deconcentration.

## References

BALÁZS, István: *A közigazgatás változásairól Magyarországon és Európában a rendszerváltástól napjainkig* [Changes in Public Administration in Hungary and Europe Since the Change of Regime until Today], Debrecen 2016.

BALÁZS, István: Az államigazgatási hatósági szolgáltatások közigazgatás-szervezési modelljei [Models of Public Administration Organization of Public Administration Services]. in: *Új Magyar Közigazgatás*, 2015, 3.

BALÁZS, István (ed.) *Helyi önkormányzatok* [Local Governments], Third, revised edition, Debrecen 2014.

---

58 See: WENDT, Jan A.: Problems of Local Government in Poland, in: *Kent Yönetiminde Yeni Yaklaşımlar ve Etkin Belediyecilik Uygulamaları*, MECEK, Mehmet – PARLAK, Bekir - ATASOY, Emin (eds.), Ankara 2018, 27–33. [https://www.researchgate.net/publication/330369735\\_Problems\\_of\\_Local\\_Government\\_Development\\_in\\_Poland](https://www.researchgate.net/publication/330369735_Problems_of_Local_Government_Development_in_Poland) (Accessed: 11.06.2021.). and KASIŃSKI, Michał: Ethical and political dilemmas of local self-government in Poland in the course of systemic transformations (1990–2018), in: *Annales. Ethics in Economic Life*, 2018, 7, 7–26. [http://www.annalesonline.uni.lodz.pl/archiwum/2018/2018\\_7\\_kasinski\\_7\\_26.pdf](http://www.annalesonline.uni.lodz.pl/archiwum/2018/2018_7_kasinski_7_26.pdf) (Accessed: 11. 06. 2021).

59 See in: 36th Session, Report CG36 (2019) of the Congress of Local and Regional Authorities, <https://rm.coe.int/local-and-regional-democracy-in-poland-monitoring-committee-rapporteur/1680939003> (Accessed: 11. 06. 2021).

BARANYAI, Nóra: *A kormányzás területi, történeti és társadalmi dimenziói [The Territorial, Historical and Social Dimensions of Governance]*, Pécs 2013.

BARCZI, Dávid: The administration of employment in Slovakia, in: *Cadernos de Dereito Actual*, 2016, 4.

BARTA, Attila: Messze-e a távol? Pillanatkép területi államigazgatásunk aktuális rendszeréről és ügyfélszolgálati megoldásairól [“How Far is Afar?” – The Current System and Customer Service Solutions of Hungarian Territorial State Administration at a Glance], in: *Új Magyar Közigazgatás*, 2018, 4.

CHANDLER, J. A. (ed.): *Comparative Public Administration, 2nd Edition*, London 2014.  
Council of Europe, Congress of Local and Regional Authorities: *Local and regional democracy in Poland*, 36th session, Report CG36(2019)13.

DUDINSKÁ, Irina – CIRNER, Michal: Crucial Legislative Reforms in Public Administration in Slovakia Since 1990. *Hungarian Journal of Legal Studies*, 2016, 1.

FAZEKASNÉ PÁL, Emese: *A törvényesség biztosítása a közigazgatásban, különös tekintettel a helyi önkormányzatok törvényességi felügyeletére [Ensure Legality in Public Administration, with Particular Emphasis on Supervising the Legality of Local Governments]*, Pécs 2019.

FRANZKE, Jochen – KLIMOVSKÝ, Daniel – PINTERIČ, Uroš: Does Inter-Municipal Cooperation Lead to Territorial Consolidation? A Comparative Analysis of Selected European Cases in Times of Crisis, in: *Local Public Sector Reforms in Times of Crisis. National Trajectories and International Comparisons*. KUHLMANN, Sabine –BOUCKAERT, Geert, Palgrave Macmillan, 2016.

GERENCSÉR, Balázs Szabolcs (ed.): *Összehasonlító és Európai Unió közigazgatási jog [Comparative Administrative Law and Administrative Law of the European Union]*, Budapest 2015.

HALÁSKOVÁ, Martina: Public Administration in EU Countries. Selected comparative approaches. *Central European Review of Economic Issues*. 2015, 18.

HEGYESI, Zoltán: A járások szerepe az államigazgatási hatósági feladatok ellátásában [The Role of District Offices in Performing State Administrative Tasks]., in: *Pro Publico Bono – Magyar Közigazgatás*, 2019, 1.

HEGYESI, Zoltán: A visegrádi országok területi államigazgatása. [Territorial State Administration in V4 Countries]., in: *Új Magyar Közigazgatás*, 2019, 3.

HLADÍK, Jan – KOPECKÝ, Václav: *Public administration reform in the Czech Republic*, Association for International Affairs, Research Paper 3/2013.

JACKO, Tomáš – MALÍKOVÁ, Ľudmila: *Public Administration in Slovakia – One Step forward, Two Steps back?* in: *The Past, Present and the Future of Public Administration in Central and Eastern Europe*, VINTAR, Miro – ROSENBAUM, Allan – JENEI, György – DRECHSLER, Wolfgang, Bratislava 2013.

KACZMAREK, Tomasz: *Administrative division of Poland – 25 years of experience during the systemic transformation*, in: *EchoGéo*, 2016, 35.

KADEČKA, Stanislav: *Local Government in the Czech Republic*, in: *Local government in the Member States of the European Union: a comparative legal perspective*, Angel-Manuel MORENO (ed.): Madrid 2012.

KASIŃSKI, Michał: *Ethical and political dilemmas of local self-government in Poland in the course of systemic transformations (1990–2018)*, in: *Annales. Ethics in Economic Life*, 2018, 7.

KLIEROVÁ, Martina – KÚTIK, Jan: *From Old Public Administration to the New Public Service*, in: *Social & Economic Revue*, 2017, 2.

KLIMOVSKÝ, Daniel: *Inter-municipal Cooperation in Slovakia. The Case of REgions with Highly Fragmented Municipal Structure*, Novo Mesto 2014.

KOVÁČOVÁ, Eleonóra: *The System of Public Administration in the Slovak Republic*, Bratislava 2015.

KUHLMANN, Sabine – WOLLMANN, Hellmut: *Introduction to Comparative Public Administration. Administrative systems and reforms in Europe*. Cheltenham, Northampton 2014.

KUHLMANN, Sabine – WOLLMANN, Hellmut: *Introduction to Comparative Public Administration. Administrative systems and reforms in Europe, Second edition*, Cheltenham, Northampton 2019.

KULESZAD, Michał – SZEŚCIŁO, Dawid: *Local Government in Poland*, in: *Local Government in the Member States of the European Union: A Comparative Legal Perspective*, MORENO, Angel-Manuel (ed.), Madrid, 2012.

LŐRINCZ, Lajos (ed.): *Közigazgatás az Európai Unió tagállamaiban [Public Administration in the Member States of the European Union]*, Budapest 2006.

LŐRINCZ, Lajos: *Összehasonlítás a közigazgatásban [Comparatism in Public Administration]*, in: *Magyar Közigazgatás*, 1999, 5.

MAGYARY, Zoltán: *Magyar Közigazgatás [Hungarian Public Administration]*, Budapest, 1942.

MARIŠOVÁ, Eleonóra – PÉTERI, Gábor: *Administrative Law*, Nitra 2012.

MARIŠOVÁ, Eleonóra – MALATINEC, Tomáš – GREŠOVÁ, Lucia: The Europeanization of the Slovak Administrative Law and Current State Administration Reform in the Agriculture, Forestry and Land Sector, in: *Agrárne právo EÚ*, 2013, 2.

MASÁROVÁ, Jana – KOIŠOVÁ, Eva – HABÁNIK, Jozef: Public Administration in the Territory of the Slovak Republic after 1990, in: *Sociálno Ekonomická Revue*, 2017, 1.

MIHÁLIK, Jaroslav – ŠRAMEL, Bystrík: Supervision of public prosecution service over public administration: the case study of Slovakia, in: *Public Policy and Public Administration*, 2018, 2.

MOŹDŹEŃ-MARCINKOWSKI, Michał: *Introduction to Polish Administrative Law, Second Revised Edition*, Warsaw 2012.

MULAWA, Marta: Classification of the Tasks of Local Governmental Units in Poland in the Light of Fundamental Legal Acts – Discussion of Selected Aspects, in: *Barometr Regionalny. Analizy i prognozy*, 2013, 2.

NEMEC, Juraj: *Public administration characteristics and performance in EU28: Slovakia*, Brussels, 2018.

NEMEC, Juraj: Public Administration Reforms in Slovakia: Limited Outcomes (Why?), in: *NISPAcee Journal of Public Administration and Policy*, 2018, 1.

ONGARO, Edoardo (ed.): *Public Administration in Europe. The Contribution of EGPA*, New York 2019.

PATYI András – RIXER Ádám (eds): *Hungarian Public Administration and Administrative Law*, Passau 2014.

PAWŁOWSKI, Sławomir: Administrative Law, in: *Handbook of Polish law*, DAJCZAK, Wojciech – SZWARC, Andrzej J – WILIŃSKI, Paweł (eds.), Warszawa 2011.

POSPÍŠIL, Petr – LEBIEDZIK, Marian: Some of the theoretical basis of local self-government in the Czech Republic, in: *DANUBE: Law, Economics and Social Issues Review*, 2017, 1.



SAKOWICH, Marcin: Rebirth of Local Government in Poland: 25 years of Decentralization Reform, in: *The Palgrave Handbook of Decentralisation in Europe*, RUANO, José Manuel – PROFIROIU, Marius (ed.): Palgrave Macmillan, Springer 2017.

SAUER, Adam: *The System of the Local Self-Governments in Poland*, Association for International Affairs, Research Paper 6/2013.

ŠPAČEK, David – NEMEC, Juraj: *Public administration characteristics and performance in EU28: The Czech Republic*, Brussels 2018.

SZAMEL, Katalin – BALÁZS, István – GAJDUSCHEK, György – KOI, Gyula (eds.): *Az Európai Unió tagállamainak közigazgatása* [Public administration of the Members of the European Union], Budapest 2011.

TEMESI, István: Az állam területi képviselete Európában [Territorial State Representatives in Europe], in: *Pro Publico Bono – Magyar közigazgatás*, 2016, 3.

TEMESI, István: *Regionalizmus és regionalizáció* [Regionalism and regionalisation], Pécs 2006.

RANDMA-LIIV, Tiina – DRECHSLER, Wolfgang: Three decades, four phases: Public administration development in Central and Eastern Europe, 1989–2017, in: *International Journal of Public Sector Management*, 2017, 6–7.

RENÉ, Seerden J.G.H. (ed.): *Administrative Law of the European Union, its Member States and the United States, A Comparative Analysis, 3rd Edition*, Cambridge 2018.

ROSE-ACKERMAN, Susan – LINDSETH, Peter – EMERSON, Blake (eds.): *Comparative Administrative Law, 2nd Edition*, Cheltenham, Northampton 2017.

WENDT, Jan A.: Problems of Local Government in Poland, in: *Kent Yönetiminde Yeni Yaklaşımlar ve Etkin Belediyecilik Uygulamaları*, MECEK, Mehmet – PARLAK, Bekir – ATASOY, Emin (eds.), Ankara 2018.

## Author

Hegyesi Zoltán

Assistant lecturer

National University of Public Service, Hungary, Budapest.

Faculty of Public Governance and International Studies

Lajos Lőrincz Department of Administrative Law

Üllői street 82., Budapest, Hungary

Hegyesi.Zoltan@uni-nke.hu