

THE EUROPEANIZATION OF THE SLOVAK ADMINISTRATIVE LAW AND CURRENT STATE ADMINISTRATION REFORM IN THE AGRICULTURE, FORESTRY AND LAND SECTOR

EUROPEIZÁCIA SLOVENSKEHO SPRÁVNEHO PRÁVA A SÚČASNÝ STAV SPRÁVNEJ REFORMY V POĽNOHOSPODÁRSTVE, LESNÍCTVE A PÔDNOM SEKTORE

Eleonóra MARIŠOVÁ*, Tomáš MALATINEC**, Lucia GREŠOVÁ***

Legal order of the Slovak republic is modified by requirements for implementation of legal conditions of the European Union, public administration not exempted. At the same time, state administration of the SR is a subject to extensive reform of local authorities with a purpose to simplify access of citizens to the administrative matters at these bodies as well as for the purposes of public funds savings. This paper reflects the actual situation in the reforming process of state administration in the field of agriculture in Slovakia and also the current situation in the Europeanization of administrative law.

I. The Europeanization of the Slovak administrative law

Current challenge, besides the reforming process, for the system of state administration in Slovakia is Europeanization of administrative law, under the supervision of the European Union. Legal theory is within the European administrative law composed of: administrative law of the European Union, administrative cooperation law of states and non-state organizations in unifying Europe (right of common European space), common administrative law of democratic European

Abstract (EN)

State administration of the Slovak republic is a subject to extensive reform of local authorities with a purpose to simplify access of citizens to the administrative matters at the local state administration as well as for the purposes of public funds savings. The paper reflects current situation in the reforming process in the field of agriculture, forestry, hunting, landscape and cadaster state administration and current situation in the Europeanization of the Slovak administrative law. The ESO (effective, reliable, open state administration) reform transferred local specialized state administration to the general model of district offices with sectorial departments. Thus the reform introduced structural change with transfer of competences to newly established district offices. The reform also introduced horizontal two-instance decision making procedure at the district offices with the seat in the region that is doubtful. The emphasis is on the procedural rules of administrative procedure due to the fact that administrative law is modified under the Europeanization of law. The reform in the field of agriculture, forestry and cadaster state administration expects saving of public sources by 8 664 884 € in 2013 and by 33 013 199 € in 2014.

Keywords (EN)

state administration reform, agricultural state administration, administrative law, europeanization of law

Abstrakt (SK)

Štátna správa Slovenskej republiky je predmetom extenzívnej reformy miestnych autorít za účelom zjednodušenia prístupu občanov k správnyim záležitostiam na miestnej úrovni štátnej správy a tiež za účelom krátenia verejných výdavkov. Príspevok reflektuje súčasný stav reformného procesu správnych záležitostí v oblasti poľnohospodárstva, lesníctva, poľovníctva, krajinyotvorby a katastra a tiež súčasnú situáciu v europeizácii slovenského správneho práva. ESO reforma (efektívnosť, spoľahlivosť, otvorenosť štátnej správy) presunula špecializovanú miestnu štátnu správu na všeobecný model okresných úradov so sektorovými oddeleniami. Reforma zaviedla štruktúrlnu zmenu presunom kompetencií na novozaložené okresné úrady. Reforma tiež zaviedla horizontálne dvoj inštančné rozhodovacie konanie v okresných úradoch v sídle kraja, ktoré je otázne. Dôraz je kladený na procesné pravidlá správneho konania a to z toho dôvodu, že dochádza k modifikácii správneho práva v rámci europeizácie práva. Zavedením reformy správnych záležitostí v oblasti poľnohospodárstva, lesníctva a katastra sa očakáva úspora 8 664 884 € v roku 2013 a 33 013 199 € v roku 2014.

Kľúčové slová (SK)

reforma štátnej správy, štátna správa v poľnohospodárstve, správne právo, europeizácia práva

* Associate professor - Department of Law, Faculty of European studies and Regional Development

** PhD student - Department of Law, Faculty of European studies and Regional Development

*** PhD student - Department of Law, Faculty of European studies and Regional Development

states (*ius Commune*). The Europeanization of administrative law guarantees a set of standards of integrating groups in the internal legal orders of the EU member states⁽¹⁾. Within a gradual process of European integration, it comes to the Europeanization of legal orders of the EU member states. Process of European integration is based on the transfer of a part of sovereignty of member states in the areas that were already transferred to the EU, based on the Treaty on EU and Treaty on the functioning of the European Union.

For the purposes of effective performance of transferred tasks, European Union had to create an administrative mechanism ensuring the performance of transferred competences and that would also cooperate with an administrative structure of the member states. In this case, law is considered as “unifier” of Europe through law approximation. European Union distinguishes four types of administrative integration:

- Indirect execution
- Bottom-up mechanisms of administrative integration
- Top-down mechanisms of administrative integration
- Direct execution

Current system of European administration has been developed through legal, political and administrative tools of common EU policies. Legal issues of integrated administration of the EU relations exist in the background of European integration process. The European integration caused opening the public laws systems in Member States; establishment of European institutions and offices was unconditionally required for an effective performance of transferred sovereignty, which was realized under the European law system. In reality, this meant decentralization of powers within the cooperating administrative institutions. Administrative cooperation between the institutions at the national and European level reached a sophisticated level of complexity. The fundamental characteristic of this cooperation is their procedural character⁽²⁾. Based on such a functioning of administrative cooperation, European Union created a two-staged quasi - federal administrative structure. This way, integrated administration in the EU is not considered as a multilevel system, but rather as an integrated level of inherent relations⁽³⁾. Since to the administrative proceeding (eventually into the proceeding of hedging tools) as well belong European institutions (or instances), administrative law system of Slovak republic is a subject to requirements and demands of European administrative law and European intentions.

From the legal point of view, it is necessary to stress out the assurance of procedural and formal rights of subjects, when talking about Europeanization. The praxis shows cases, when European directives interfered into the right to be a party of

administrative proceeding although this statement used to be purely national issue until now. This approach assures e.g. participation of public at the administrative decision processes, for example in the area of environment. In terms of coherence of legal orders and principle of equal treatment, there comes to pressure for an implementation of procedural rules of the EU administrative law into the administrative normative systems of the EU members states⁽⁴⁾.

There still occurs a question on how to ensure responsibility of supervising institutions for correct and effective implementation of European legislation into the area of administrative law. Even bigger question appears on assurance of performance of public, in a structure with no hierarchy of public subjects, with no mutual subordination⁽⁵⁾. Another question occurs on decision-making freedom - administrative consideration, since the performance of an independent public body is necessary to understand from discretion point of view administrative consideration of public subjects within its decision-making process. The European administrative law, as well as internal legal systems of states, accepts administrative consideration in situation when the result of administrative proceeding does not become automatic⁽⁶⁾. Here can be highlighted the relevance of adopted legal principles of good governance of public administration, which becomes a part of European administrative law, while the legal force and legal binding of these principles significantly strengthens their juridical interpretation. Slovak republic has a responsibility of transposition of the principles of good public governance into its legal order, what significantly influences the creation of administrative law of member states⁽⁷⁾.

II. Reform of state administration - balanced move of competences

The current public administration in Slovakia, mainly its part - state administration, is being created in terms of approved governmental ESO reform (Effective, Reliable and Open state administration). This reform of state administration shall lead to more simple and complex approach of citizens toward necessary administration as well as required public

⁽⁴⁾ BALÁŽ, M. - HAGER, B.: 2013, *Europeizácia slovenského správneho práva procesného*, dostupné online <http://www.odpady-portal.sk/Dokument/101677/europeizacia-slovenskeho-spravneho-prava-procesneho.aspx/>

⁽⁵⁾ HOFMAN, H. - TURK, A.: 2011, *Administrative law and policy of the European Union*, Oxford University Press, 2011, p. 977, ISBN 0199286485.

⁽⁶⁾ SNYDER, F.: 2000, *The Europeanisation of law: the legal effects of European integration*, Hart Publishing, European University Institute, 2000, p. 348, ISBN 1841130257.

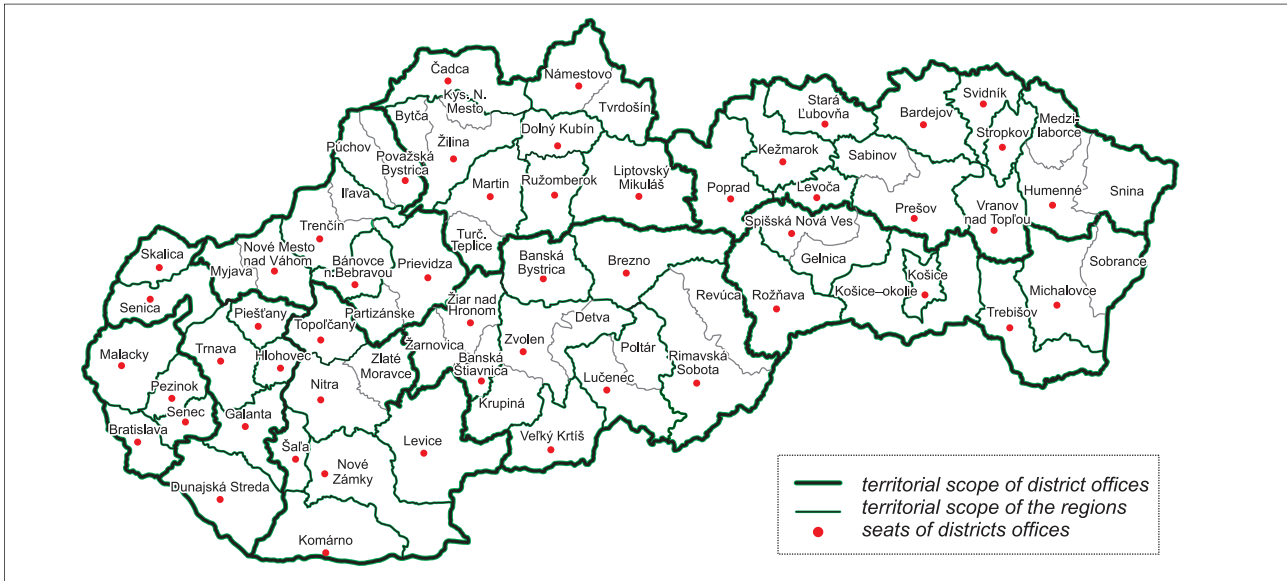
⁽⁷⁾ KOŠIČAROVÁ, S.: 2012, *Princípy dobrej verejnej správy a Rada Európy*, Právna monografia Vydavateľstvo IURA EDITION, Bratislava, 2012, p. 556, ISBN 978-80-8078-519-2, MARIŠOVÁ, E. - MALATINEC, T. - MARIŠ, M. - SCHULTZOVÁ, E.: 2013, *Public Administration In Slovakia: Shall The Current Reform Solve Its Problems?* In : *The V. international conference “Modern problems of national economic development”*, June 12 - 14, 2013, Stavropol, ISBN 978-5-9596-0919-1.

⁽¹⁾ KOŠIČAROVÁ, S.: 2012, *Princípy dobrej verejnej správy a Rada Európy*, Právna monografia Vydavateľstvo IURA EDITION, Bratislava, 2012, p. 556, ISBN 978-80-8078-519-2.

⁽²⁾ MALATINEC, T. et al.: 2012, *Porovnávací analýza platnej i účinnej slovenskej a českej živnostenskej legislatívy*, In: *Podnikania v SR a v EÚ*, zborník príspevkov z medzinárodnej vedeckej konferencie, ISBN 978-80-552-0929-6.

⁽³⁾ HOFMAN, H. - TURK, A.: 2011, *Administrative law and policy of the European Union*, Oxford University Press, 2011, p. 977, ISBN 0199286485.

Fig. 1: Territorial scope and seats of district offices (49) performing state administration at the first level in the field of agriculture, forestry, hunting and landscaping



Source: Own processing based on the Act No 180/2013 Coll., 2013

sources consolidation and decrease of overstaffing in public institutions⁽⁸⁾. In the first step of this reform, the regional specialized offices, which were in sectorial terms, focused on specialized issues (environment, forestry, land issues, education, constructions, etc.), were abolished. Their competences were transferred to the local specialized offices in the seat of respective region. This change was implemented through the Act No 345/2012 Coll. on some measurements of local state administration and on changes and amendments of some acts with legal force from 01.01.2013. This act abolished 8 specialized regional levels (64 bodies). In the second step leads to the establishment of a group of general offices (district authorities) which will let the citizens to realize the whole agenda at this level of public administration. Act No 180/2013 Coll. on organization of local state administration and on change and amendment of some acts, introduces the establishment of district offices with departments copying the former specialized local state administration. From 01.10.2013, 72 district offices were established, although within the establishment of individual departments, these district offices can be categorized into the two groups. The first one is composed of all 72 district offices, where departments for sections will be established:

- civil defense and governance in the crises and outside the time of wars and hostilities
- economic mobilization
- land registry
- state's defense
- environmental treatment

The second group consists of 49 offices out of the 72, where

besides the above mentioned departments will also be presented:

- road transportation and local roads
- agriculture, forestry, hunting and landscaping
- general internal administration
- small trade business.

Territorial scope of district offices belonging to the second group, is divided into more regions. Territorial scope is shown in the Annex 2 to the Act No 180/2013 Coll. State administration in the second stage is delegated to the district offices in the seat of region, whose territorial scope is in a district of relevant region. Based on ministerial consent, district offices are allowed to found a workplace of district office and determine its territorial district. According to the §8 Act No 180/2013, with legal force from **01.10.2013**, the following offices of local state administration are abolished: environmental district offices, district land offices, district forest offices, district offices for road transportation and local roads, cadaster offices. According to the §9 of the above mentioned act, the local specialized offices established by legislation valid until 30.09.2013, are actually changed to the district offices. State administration performed by district offices is controlled and managed by respective Ministry (central body of state administration) which has competences in the certain area of state administration.

III. Agricultural state system under the current reform

State administration of SR in the field of agriculture, forestry and cadaster is coordinated, besides the sectorally focused substantively legal regulations, by substantively and procedural legal norms administering general state administration, its performance and control. In conjunction with the ongoing reform of public administration, it is mostly about legal

⁽⁸⁾ MARIŠ, M.: 2010, Informatizácia spoločnosti, vo verejnej správe, v krajinách strednej Európy. In: Rozvoj vidieka a štrukturálne zmeny v podnikateľských subjektoch v agrokomplexe: medzinárodná vedecká konferencia, Račkova dolina. Slovenská poľnohospodárska univerzita v Nitre, s. 162 - 167. ISBN 978-80-552-0367-6.

norms administrating organization and state administration performance within the individual areas, not excluding agriculture, forestry and administration of cadaster. These are particularly the above mentioned acts No 345/2012 Coll. and No 180/2013 Coll., which ensured the transfer of competences from the former specialized offices of state administration to the new established district offices. Into consideration should be taken also the Act No 71/1967 Coll. on administrative proceeding as amended in later provisions, based on which, the relevant authorities are acting. The reorganization of local state administration in the field of agriculture, forestry, hunting and landscaping will be represented by departments on district offices with subject-matter scope in the field and territorial scope shown in fig. 1. Sectorially, these departments will be supervised by relevant Ministry, e.g. Ministry of agriculture and rural development of the SR. Departments will deal exclusively with professional and specialized agenda relevant to their scope. Technical agenda will be ensured by Centre of support, comprehensively for district office and its departments.

The next step of this reform is announced with the aim to create so called **client centers (front offices)**, whose task will be to receive the agenda and administrative requirements from the citizen (under vision – „**all in one, one everywhere**“), concerning the agenda from the department in the field of agriculture, forestry, hunting and landscaping. District offices, as local state administration bodies, are obliged to issue generally binding legal regulations – **decreases**. Decreases issued by district offices are announced by their publishing in Official Journal of SR government. They are valid on the day of their announcement and come into the legal force on 15th day of their announcement, if a later date is not specified. Decreases must be accessible for everybody for peering from the day of its announcement at the issuing authority.

The following competences of the abolished forestry and landscaping bodies of specialized local state administration are being transferred to the new established district offices in the field of agriculture, forestry, hunting and landscaping:

from local specialized offices to the district offices – in the field of agriculture and landscaping

Department of agriculture, forestry, hunting and landscaping:

- a) organizes performance of landscaping,
- b) decides on landscaping in administrative proceeding,
- c) assures the elaboration of initial documentation, projects proposals of landscaping and realization of approved projects of landscaping,
- d) ensures activities connected with realization of common equipment and measures involved within the landscaping,
- e) cooperates with local state administration bodies in the field of real estate cadaster, mainly in obtaining the documentation from the real estate cadaster,
- f) submits the documents for registering the changes into the real estate cadaster approved by realization of project of landscaping,
- g) fulfills the tasks for issuing the real estates to eligible persons according to specific regulation,
- h) ensures the works on restoring the evidence of lands and legal relations to them,

- i) publishes the data on valuated soil-ecological units and submits them for registration into the real estate cadaster,
- j) fulfills the tasks under special regulations,
- k) decides on protection of agriculture land in administrative proceeding,
- l) expresses its opinion on intensions and proposals of nonagricultural use of agriculture land within its territorial district,
- m) issues its statement to the use of agricultural land for shorter time than one year,
- n) approves project of extraordinary agrotechnical measures on agricultural land,
- o) administers the register of association of landscaping participants, established on constituent sessions of landscaping participants,
- p) is allowed to realize tasks according to special regulation.

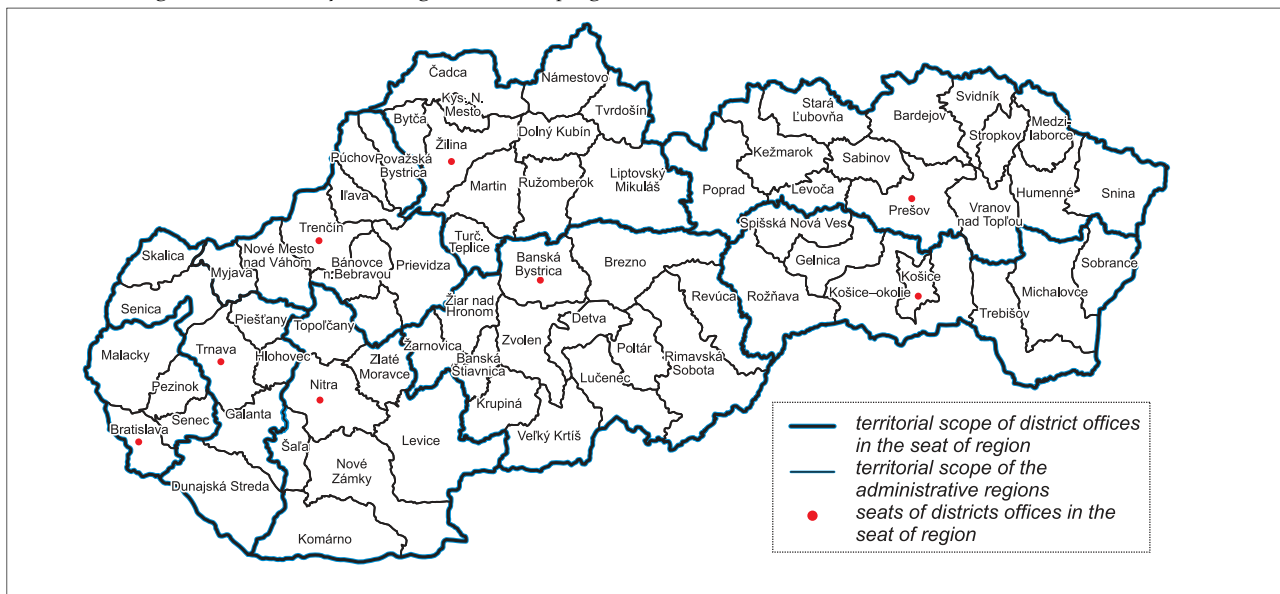
• from local specialized offices on the district offices – in the field of forestry and hunting

- a) proceeding on proclaiming land for a forestry land and in a case of doubts decides whether the land is a forest land,
- b) proceeding on exemption and restriction of use,
- c) proceeding on amount of compensation for loss outside the production functions of the forest,
- d) proceeding on crumbling of forestry land, which would result in forest land with an area of less than 10 000 m²,
- e) proceeding on approval of prolonging period for forest renewal for forest timber,
- f) proceeding on approval of schedule of random extraction,
- g) proceeding on use of foreign lands,
- h) proceeding on use of forest roads,
- i) proceeding on imposing the measures of forest-technical meliorations and on arrangements of ways and payment of costs,
- j) proceeding on imposing measures of forest protection,
- k) proceeding on approval of exceptions from prohibitions of some activities on forest lands,
- l) proceeding on imposing of additional measures to ensure the safety of persons and property,
- m) proceeding on imposing measures,
- n) proceeding on authorization of farming on the area over 2 000 ha,
- o) proceeding on determination of professional forestry administration and its abolishment and on establishment of right of lien and its abolishment,
- p) proceeding on offences and other administrative delicts in the area of forestry administration and imposition of fines for breaching the obligations set by law

Department of agriculture, forestry, hunting and landscaping, further :

- a) keeps forestry lands administration,
- b) gives a consent on the proposal of territorial programs of municipal treatment and the proposes of territorial programs of zones treatment,
- c) gives binding opinions to territorial decision concerning the forestry lands,
- d) gives binding opinions to proposals on construction location and use of territory within the protected forestry zone,
- e) administrates register on authorized methods of wood marking,

Fig.2: Territorial scope and seats of district offices in the seat of regions (8) performing state administration at the second level in the field of agriculture, forestry, hunting and landscaping



Source: Own processing based on the Act No 180/2013 Coll., 2013

- f) issues and calls off prohibitions and restrictions on forests use by public and other use of forests,
- g) restricts or other way determines activities performance,
- h) administrates registration on professional forest administration,
- i) determines and calls off the members of forests guards, ensures verifying of professional capacity, and administrates a list of forest guides members,
- j) is affected by authority and issues opinion from the point of view of land protection in proceedings dealing with prevention and renewal of environmental defects on forest lands concerning specific statement,
- k) realizes advisory activities on the field of forest management,
- l) cooperates with relevant authorities for provision and control from public funds sources,
- m) fulfills other tasks arising from generally binding legal regulations issued for this act implementation,
- n) issues binding opinion.

In the frame of transfer of the second-level competences of the abolished local specialized landscaping and forestry offices in the seat of region (former regional specialized offices at the mentioned field), the agenda is being overtaken by relevant departments of district offices in the seat of region. Territorial scope describes fig. 2

The following competences of the abolished forestry and landscaping organs of specialized state administration in the seat of region are being transferred to the new established departments of district offices in the seat of region in the field of forestry, agriculture, hunting and landscaping:

- from local landscaping offices in the seat of regions to the district offices in the seat of region – field of agriculture, forestry, hunting and landscaping

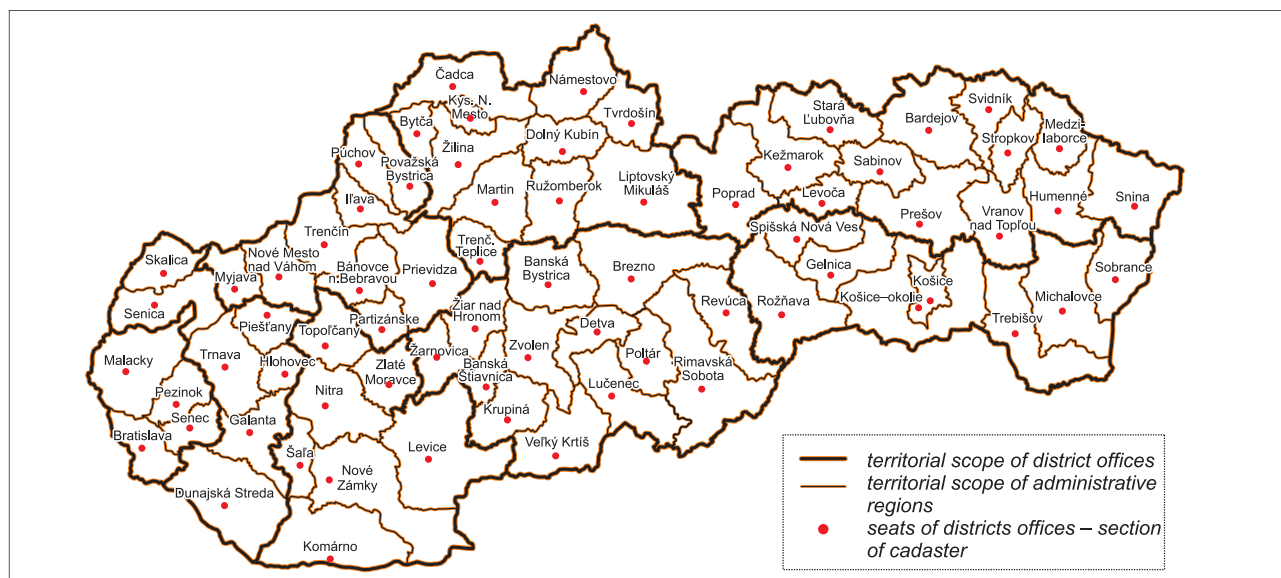
Department of agriculture, forestry, hunting and landscaping:

- a) manages and controls the performance of state administration in the field of landscaping and in the field of agricultural land protection,
- b) develops conception of landscaping and agricultural soil protection within its territorial scope,
- c) in a case of doubts decides on responsible authority,
- d) decides on pleas against the landscaping project,
- e) decides on pleas against landscaping project under a specific law,
- f) consents on proposal of nonagricultural use of agricultural land within its territorial scope,
- g) comments the intentions and proposals of nonagricultural use of agricultural land within its territorial scope from local forestry offices in the seat of region to the district offices in the seat of region – field of agriculture, forestry, hunting and landscaping

Department of agriculture, forestry, hunting and landscaping:

- a) performs state administration of forestry within its territorial scope
- b) consents on proposals of territorial programs of regions treatment, on proposals for appointing protected areas and on proposals of appointing and extending mining areas,
- c) issues generally binding opinions on territorial decision affecting forestry lands
- d) proclaims protected forests and forests of specific treatment,
- e) approves procedure of forest reconstruction,
- f) imposes measures for forest protection
- g) issues and calls off prohibitions and restriction of use of forests by public and other kind of forest use,
- h) approves project of forestry land treatment,
- i) determines forests zones,

Fig. 3: Territorial scope and seats of district offices (72) performing state administration at the first level in the field of cadaster



Source: own processing, based on the Act No 180/2013 Coll., 2013

- j) performs tasks connected with assurance and organization of issuing the program treatment and its approval under the Ministry approval ensures selection of the provider of the treatment program according to specific provision and approves the treatment program,
- k) decides on treatment program changes,
- l) issues a certification on professional capability of farmer, administrates farmers' registry, decides on withdrawal of certification on professional capability and on their withdrawal from farmer registry,
- m) performs advisory activities in the field of forestry management,
- n) consents on realization of important mining over a volume, allowed in the treatment program for forestry or ownership unit,
- o) fulfills other tasks arising from generally binding legal regulations issued for the purposes of this act

Besides the state administration in the field of forestry management and landscaping agenda, the reform will affect structures and competences of cadastral offices that will be created out of real estate cadaster departments on district offices. Administration in the field of real estate cadaster categorizes district offices into the first group (check the previous text) so the real estate cadaster departments will be established at all the 72 district offices. Territorial scope of district offices – their departments of cadaster of real estate relevant for proceeding in the first level are shown in the fig. 3.

The following competences are transferred from the abolished cadaster as a body of specialized local state administration to the new established departments of district offices in the field of cadaster:

- from local specialized offices to district offices – in the field of cadaster

Department of cadaster:

- a) decides in cadastral proceeding,

- b) registers rights to real estates,
- c) administrates and updates the cadaster in accordance with legal conditions and real conditions based on announced changes, changes recognized during cadaster data revision and changes recognized within a renewal of cadaster operate, cadaster administrations and updates in cooperation with the owners, other eligible persons, municipalities and state administrations,
- d) issues public documents that approve rights and obligations to the real estates as well as other matters concerning real estates,
- e) controls geodetic and cartographic activities, which results shall be retaken into the cadaster and authorizes geometric plans,
- f) processes dates on soil fond summary,
- g) issues offences against order in state administration in the field of cadaster and in proceeding on breaching order in the field of cadaster by legal entities,
- h) administrates land books and railway book,
- i) provides information from cadaster,
- j) authorizes copies or originals of public documents or other documents, based on which the registration into the cadaster shall be realized
- k) decides in a case of doubts on subject of record in cadaster.

The following competences are transferred from the abolished cadasters in the seat of region to the new established departments of district offices in the seat of region in the field of cadaster:

- from the cadaster in the seat of region to the district offices in the seat of region – field of cadaster

Department of cadaster:

- a) manages and controls state administration performance in the field of cadaster,
- b) performs second staged state administration in matters on

- which in the first state proceed relevant bodies in the field of real estate cadaster,
- c) ensures elaboration of registry proposal of renewed land registration

Territorial scope and seats of district offices in the seat of region (8), their departments in the field of real estate cadaster is identical with territorial scope shown in fig. 2.

Supervision on departments of agriculture, forestry, hunting and landscaping established on regional offices is realized by Ministry of Agriculture and Rural Development of SR. Supervision on real estate cadaster department, established at district offices is realized by central body of state administration - Geodesy, Cartography and Cadaster office. Technical support to specialized departments of district offices provides the already mentioned Center of support. There is planned in the future to receive a common complex agenda by so called client centers. The result is a facilitation of specialized departments from secondary administrative and performance activities and remaining them exclusively professional activities. Thus all the departments of newly established district offices deal with their specific competences. Except of this, due to abolishment of regional level of state administration, new, specialized departments of remedies have been created. The described subordination shows the fig. 4.

This way, the second instance procedure remains at the district offices in the seat of region which perform decision making on issues at the first as well as at the second level⁽⁹⁾. The new structure of state administration is not a subject to unambiguous criticism on public administration even though the savings of public sources introduced by minister of Interior, R. Kaliňák, are not proofed by a serious analysis⁽¹⁰⁾. The aim of the present government is to establish a structure of state administration that is high quality, efficient, open and closer to the citizens and without significant decreasing of the number of employees⁽¹¹⁾ ⁽¹²⁾. The abolishment of regional level of state administration and drafting the scope of district offices in the seat of region as a coordinating, controlling, managing and examining body, is impugnable. In the administrative proceeding, the basic principle applied according to the § 58, article 1 of Administrative Order is, that the appellate body deciding on the remedy against the district office is a district office in the seat of region⁽¹³⁾ ⁽¹⁴⁾. At the same time

⁽⁹⁾ TEJ, J. 2007: The Reform of the Public Administration in Slovakia. In: *Socialnoekonomični doslidiženja v prechidnyj period. Rehionalna polityka v Ukrajini: súčasni formy ta metody realizaciji (ščoričnyk naukovych prac)*. 2007. Lvov: Roč. XIX., č. 2 (52)/2005a, s. 204217. ISSN 1727 589X.

⁽¹⁰⁾ The Governmental program ESO, 2012.

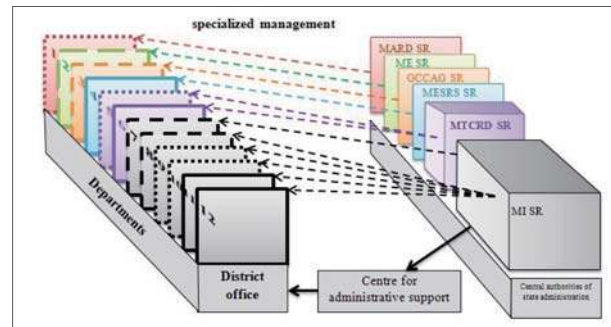
⁽¹¹⁾ SCHULTZOVÁ, E. - MALATINEC, T. 2013. Reformný proces štátnej správy v oblasti zamestnanosti, Zborník príspevkov z ŠVK FEŠRR, CD. Vydavateľstvo: SPU v Nitre, ISBN: 987-80-552-1052-0.

⁽¹²⁾ VOZÁR, I.: 2011, Ako majú úrady postupovať? - Vozár I., Pezinok, online http://www.viaiuris.sk/stranka_data/subory/publikacie/ako-maju-urady-postupovat.pdf

⁽¹³⁾ ŠEVČÍK, M.: 2009, *Správne právo procesné*, Eurounion, Bratislava, 2009, 415 p., ISBN 978-80-89374-05-2.

⁽¹⁴⁾ ŠKULTÉTY, P. 2008: *Verejná správa a správne právo*, 2008,

Fig. 4:



Legend:

MI SR – Ministry of Interior of SR,
TRD SR – Ministry of Transport, Construction and Regional Development of SR, MESRS SR – Ministry of Education, Science, Research and Sport of SR, GCCAG – Geodesy, Cartography and Cadaster Authority of SR, ME SR – Ministry of Environment of SR, MARD SR – Ministry of Agriculture and Rural Development of SR

Departments:

- agriculture, forestry, hunting and landscaping (1)
- environmental treatment (2)
- cadaster (3)
- education (4)
- road transportation and local roads (5)
- construction and housing policy (6)
- civil defense and governing in the crises and outside the time of wars and hostilities (7)
- economic mobilization (8)
- general internal administration (9)
- trade business (10)
- organizational department (11)
- department of remedies (12)

Subject-matter scope of district offices (3 types of district offices)

- — — — — respective departments at 72 district offices
- — — — — respective department at 49 district offices
- — — — — respective department at 8 district offices (seat of region)

and according to the introduced provisions of administrative order, it is allowed to establish a special Act in which the appellate body deciding on remedy against the decision of district office in the seat of region as a first level body, will be the same district office in the seat of region again.

In the frame of applicable legal order, they are only exceptional cases justified by a content of administrative agenda in some matters in the area of state administration of road transportation and land roads, where the performance of appeal proceeding can not be provided otherwise. Although, according to Košičiarová⁽¹⁵⁾ the provision of such a horizontal two level proceeding states, when the appellate body can be other organizational unit of the same body is in accordance with §59 of Administrative Order, despite the fact that this act stresses maximal independency and objectivity of proceeding and decision making process in the second level, established by a separate organizational unit within the or-

VEDA, Bratislava, 2008, 204 p., ISBN 978-80-224-1023-6.

⁽¹⁵⁾ KOŠIČIAROVÁ, S.: 2012, *Princípy dobrej verejnej správy a Rada Európy*, Právna monografia Vydavateľstvo IURA EDITION, Bratislava, 2012, p. 556, ISBN 978-80-8078-519-2.

Fig. 1: Financial impact of local state administration reform in the field of agriculture, forestry and landscaping

Public administration income:	2013	2014
Ministry of agriculture and rural development of SR	-575 613 €	-2 670 653 €
Geodesy, cartography and cadaster Authority of SR	-63 750 €	-255 000 €
Public administration expenses for:		
Land offices	-1 698 726 €	-6 717 391 €
Forestry offices	-796 072 €	-3 152 226 €
Geodesy, cartography and cadaster Authority of SR	-6 170 086 €	-23 143 582 €
MI SR after the reform expenses for:		
District offices - section of agriculture, forestry, hunting and landscaping	0 €	-142 011 €
District offices - section of cadaster	0 €	-914 625 €

Source: own processing, according to the Governmental Program ESO, 2013

ganizational structure of district office in the seat of region is clear, that the decision on remedy will be made by the same state administration body subordinated to the same principal. Although it will be a different department of district office in the seat of region, but we just can not overlook the fact that all the heads of the departments, according to the law, are appointed by principal. This way, the horizontal two levels of administrative proceeding is doubtful and will be most likely a reason of more common doubts of citizens on impartiality of the relevant employee of district office so far and it can be assumed that the proposals on exclusion of employees of relevant administrative body from the proceeding, according to the §9 of the Administrative order will be used by citizens more. Administrative agenda will grow and this can lead to unreasonable hold-outs in administrative proceeding.

IV. Assumption of saved up financial resources on the reformed agricultural state system

Total amount of the incomes of central bodies in the field of agriculture and cadaster will decrease by 639 363 € in 2013 and by 2 925 653 € in 2014. On the other side, the incomes of Ministry of Interior increase, since the abolished offices will become departments of regional offices which are a part of general state administration structure finished by MI SR. The new established departments will be anyway sectorially supervised by central state administration bodies according to the specialized fields. Total amount of public administration will be decreased within the abolishment of relevant offices in the field of agriculture and real estate cadaster by 8 664 884 € in 2013 and by 33 013 199 € in 2014. The expenses of Ministry of Interior of SR itself for reformed state administration in the field of agriculture and cadaster will be visible in 2014 only, assumed decrease is by 1 376 874 €16.

V. Conclusion

Public administration plays a significant role in the theory of good governance. Effective system of administration provides a good public administration and management of public interest. Slovak public administration in the field of agriculture, forestry and cadaster is a subject to the current reform of state administration as well as a subject to requirements of the European Union and European administrative law. The Europeanization is a process of law approximation and the Slovak administrative order is influenced by European legal rules, principles and process requirements of the European law interpreters. On the other hand, the Slovak state administration in the field of agriculture, forestry and cadaster has changed. The Governmental program ESO introduced a structural change in a local state administration and the vast majority of local specialized state authorities had been transferred to the general model of districts offices with respective departments (sections) of a sectorial state administration. The reform introduced two types of district offices with a different territorial and substantive scope of the newly formed departments. The Slovak government expects savings of public sources as well as more efficient administration oriented on services provided to citizens. The current reform and implementation of the European administrative rules assumes higher effectiveness and better quality in public administration.

References

- (1) BALÁŽ, M. - HAGER, B.: 2013, Europeizácia slovenského správneho práva procesného, dostupné online <http://www.odpady-portal.sk/Dokument/101677/europeizacia-slovenskeho-spravneho-prava-procesneho.aspx>
- (2) HOFMAN, H. - TURK, A.: 2011, Administrative law and policy of the European Union, Oxford University Press, 2011, p. 977, ISBN 0199286485.
- (3) KOŠIČIAROVÁ, S.: 2012, Princípy dobrej verejnej správy a Rada Európy, Právna monografia Vydavateľstvo IURA EDITION, Bratislava, 2012, p. 556, ISBN 978-80-8078-519-2.
- (4) MALATINEC, T. et al. 2012, Porovnávací analýza platnej i účinnej slovenskej a českej živnostenskej legislatívy, In: Podnikania v SR a v EÚ, zborník príspevkov z medzinárodnej vedeckej konferencie, ISBN 978-80-552-0929-6.

- (5) MARIŠ, M.: 2010, Informatizácia spoločnosti, vo verejnej správe, v krajinách strednej Európy. In: Rozvoj vidieka a štrukturálne zmeny v podnikateľských subjektoch v agrokomplexe: medzinárodná vedecká konferencia, Račkova dolina. SPU v Nitre, s. 162-167. ISBN 978-80-552-0367-6.
- (6) MARIŠOVÁ, E. - MALATINEC, T. - MARIŠ, M. -SCHULTZOVÁ, E.: 2013, Public Administration In Slovakia: Shall The Current Reform Solve Its Problems? In : The V. international conference "Modern problems of national economic development", June 12-14, 2013, Stavropol, ISBN 978-5-9596-0919-1.
- (7) SNYDER, F.: 2000, The Europeanisation of law: the legal effects of European integration, Hart Publishing, European University Institute, 2000, p. 348, ISBN 1841130257
- (8) SCHULTZOVÁ, E. - MALATINEC, T. 2013.Reformný proces štátnej správy v oblasti zamestnanosti, Zborník príspevkov z ŠVK FEŠRR, CD. Vydavateľstvo: SPU v Nitre, ISBN: 987-80-552-1052-0.
- (9) ŠEVČÍK, M.: 2009,Správne právo procesné, Eurounion, Bratislava, 2009, 415 p., ISBN 978-80-89374-05-2.
- (10) ŠKULTÉTY, P.,2008: Verejná správa a správne právo, 2008, VEDA, Bratislava, 2008, 204 p., ISBN 978-80-224-1023-6.
- (11) TEJ, J.2007:The Reform of the Public Administration in Slovakia. In: Sociaľnoekonomični doslidžennja v perechidnyj period.

Rehionalna polityka v Ukrajini: súčasni formy ta metody realizaciji (ščoričnyk naukovych prac).2007. Lvov: Roč. XIX., č. 2 (52)/2005a, s. 204217. ISSN 1727 589.

- (12) The Governmental program ESO, 2012.
- (13) VOZÁR, I.: 2011, Ako majú úrady postupovať? - Vozár I., Pezinok, online http://www.viaiuris.sk/stranka_data/subory/publikacie/ako-maju-urady-postupovat.pdf

Contact address/ Kontaktná adresa

Doc. JUDr. Eleonóra Marišová, PhD.

Department of Law, Faculty of European Studies and Regional Development, SUA in Nitra, e-mail: eleonora.marisova@uniag.sk

Ing. Tomáš Malatinec

Department of Law, Faculty of European Studies and Regional Development, SUA in Nitra, e-mail: xmalatinec@is.uniag.sk

Ing. Lucia Grešová

Department of Law, Faculty of European Studies and Regional Development, SUA in Nitra,
e-mail: xgresova@is.uniag.sk