Same aims, different pathways - deconcentrated state administration in Croatia and Hungary

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Abstract

30 years after the beginning of democratic transition, deconcentrated state administration (DSA) in Croatia and Hungary stands on different pathways - one led to the abolition of county state administration offices and extensive fragmentation of DSA, the other led to the integration of DSA and transforming county government offices to one of the biggest first-instance state administration bodies in Europe. The paper compares developmental paths of Croatian and Hungarian DSA during this period putting it into broader institutional context of changes in local self-government system. The comparation of Croatian and Hungarian case explores the interplay of historical heritage, pressures from international and EU environment, and national specificities on shaping contemporary territorial administration systems, role that DSA plays in post-socialist countries, and the factors that dictate its developmental changes, roles, and significance in territorial administration system.

Keywords: deconcentrated state administration, territorial administration system, territorial administration reforms in post-socialist countries, deconcentrated state administration in Croatia and Hungary.

JEL Classification: H19, H83, K23

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1. Introduction

The vast of the contemporary literature on territorial administration in Central and Eastern European (CEE) countries focuses on decentralization, regionalization, and democratization of local and regional self-government systems. However, the topic of deconcentrated state administration (DSA) as the counterpart of self-governing units in the territorial administration system has been only sporadically researched, especially from the comparative perspective. DSA (also called territorial state administration, field administration, or local state administration) comprises parts of the state administration system whose scope of competence is territorially limited: first-instance state administration bodies, territorial units/branch offices of central state administration bodies and territorial

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³ From the latest literature see: Tanguy, Gildas & Eymeri-Douzans, Jean-Michel (eds.) (2021). *Prefects, Governors and Comissioners. Territorial Representatives of the State in Europe.* Cham (Schwitzerland): Palgrave Macmillan; Hegyesi, Zoltán (2021). *Territorial State Administration of the Visegrad Countries (V4)*, "Central European Papers", 9(2) pp. 45-61.

state representatives (e.g. prefects, governors, king's commissioners).⁴ The process of establishing DSA and broadening its scope of competence is called deconcentration as the process opposite or parallel to the process of decentralization that refers to broadening scope of competence of territorial self-governing units.⁵

The role of DSA in the territorial administration system prevailed over the role of local and regional self-government in CEE countries for a long time. The beginning of the transition period in CEE countries was characterized by the proliferation of state administration bodies and units in the territory with broad range of activities and roles- from ensuring internal state cohesion, controlling political and social processes, and exerting control over local units to implementation of public affairs in the territory due to insufficient capacities of newly established local units. The European integration process that had affected CEE countries at the end of 90s and the beginning of the 2000s however shifted the pendulum towards decentralization and strengthening of local and regional self-government units. The accession conditions to the European Union and the standards of European administrative space as well as European Union's regional and cohesion policy posed CEE countries with challenges to build local capacities, adopt standards of good local governance, and regionalize their government structures.

The strengthening of local and regional self-government systems was accompanied by the changes in DSA but with somewhat different extent among CEE countries. Some countries introduced only modest changes in the model of DSA adopted at the beginning of transition period (Bulgaria, Romania, and Slovenia); some countries reorganized their DSA within reforms aimed at territorial reorganization of local (Latvia in 2010 and Estonia in 2018) or introduction of regional (Poland in 1999, Czech Republic in 2003) self-government system, Lithuania abolished their county governor administrations in 2010 and redistributed their functions between municipalities and central government⁸ while Slovakia had

⁴ For official website of territorial state representatives with information on DSA in European countries see https://www.eastr-asso.org/content/eastr-0 12 June 2022.

⁵ Ebinger, Falk, Grohs, Stephan, & Reiter, Renate (2011). The performance of decentralization strategies compared: an assessment of decentralization strategies and their impact on local government performance in Germany, France and England, "Local government studies" 37(5), p. 555. Szabó, Gábor (1992). Szétpontosítás. Elméleti megközelítések és fejlődéstörténet, "Magyar Közigazgatás" 42(8) pp. 468-484.

⁶ See in Illner, Michal (1997). Territorial Decentralization- a Stumbling Block of Democratic Reforms in East-Central Europe? Polish Sociological Review, no. 117, pp. 23-45; Illner, Michal, & Baldersheim, Harald (2003). Decentralization: Lessons for Reformers. In: Hellmut Wollmann, Michal Illner & Harald Baldersheim (eds.) Local Democracy in Post-Communist Europe. Wiesbaden (Germany): Springer Fachmedien Wiesbaden, pp. 313-336.

Musa, Anamarija (2011). Lokalna samouprava u kontekstu europskih integracija: trendovi i izazovi. In: Josip Kregar, Vedran Đulabić, Đorđe Gardašević, Anamarija Musa, Slaven Ravlić & Tereza Rogić Lugarić (eds.) *Decentralizacija*. Zagreb (Croatia): Centar za demokraciju i pravo Miko Tripalo, pp. 107-134.

⁸ See in Lopižić, Iva (2017). Modeli dekoncentriranog obavljanja poslova državne uprave u postsocijalističkim zemljama, "Hrvatska i komparativna javna uprava" 17(1), pp. 81-106. For the latest reforms of DSA in Estonia see Suur, Neeme (2018). The light and dark of the administrative

been introducing frequent, unsystematic changes in its DSA (so called zig-zag "administrative" reforms) that finally resulted in establishing district government offices in 2014.9

The aim of the paper is to compare development of DSA in Croatia and Hungary, neighbouring post-socialist countries that share common institutional heritage that seizes back to Austro-Hungarian Empire. The era following Austro-Hungarian Compromise of 1867 and Croatian-Hungarian Compromise of 1868 was marked by the emergence and stabilization of modern territorial administration institutions built upon German model of public administration. The territorial administration system comprised municipalities (seoske općine; kis- és nagyközségek) and towns (gradovi; rendezett tanácsú városok, and in a special position törvényhatósági jogú városok) as first instance self-government units that performed both local and state administration tasks and counties (županije; vármegye) as second level territorial units with somewhat restricted autonomy. The middle territorial tier comprised districts (kotarevi, járások). 10 In the beginning of 1990s, after 70 year-period of disparate developmental process following dissolution of Austro-Hungarian Empire in 1918, Croatia and Hungary confronted similar external pressures to transform their political, legal, social, and economic structures within transition from socialist, one party, and planned economy system in the direction of democratic political systems and a market economy. This process demanded transformation of territorial administration system as well, particularly separation of state and local structures and restoration of local self-government system.

Croatia and Hungary entered this process with somewhat different starting positions. Firstly, during socialist period the position of local government in Croatia (constitute of Yugoslavian federative state after the Second World War) was rather strong. Unlike Hungarian territorial administration system that was built on the idea of unified, hierarchical system of state administration with soviet councils organized at county, district (until 1984) and municipal level, 11 Croatian local units had great autonomy towards state and federal administration. Even though local institutions lacked democratic, multi-party-political legitimacy, the "communal doctrine" that promoted communes as basic political units and "self-management experiment" were solid foundations for the development of democratic local institutions. 12 Secondly, the beginning of transition period in Croatia was accompanied by

reform at the county level. In: Sulev Valner (ed.), Administrative Reform 2017 in Estonia. Tallin (Estonia): Ministry of Finance, pp. 571-598.

Nemec, Juraj (2018). Public Administration Reforms in Slovakia: Limited Outcomes (Why?), "NISPACee Journal of Public Administration and Policy" 11(1), pp. 119.

¹⁰ See in: Pétervári, Máté (2018). One Empire and Two Ways of Public Administration: The Second Level Administrative Division in Austria-Hungary, "Journal on European History of Law", vol. 9(2), pp. 133-134; Koprić, Ivan (2003). Local Government Development in Croatia. Problems and Value Mix. In: Harald Baldersheim, Michal Illner, Hellmut Wollmann (eds.) Local Democracy in Post-Communist Europe. Opladen (Germany): Leske & Budrich, p. 184.

¹¹ Bálint, Tibor (1984). A magyar tanácsrendszer fejlődése. Budapest (Hungary): Kossuth.

¹² Koprić, Ivan, op. cit., 2003, p. 183.

dissolution of Yugoslavia and the War of Independence (1991-1995) that deeply marked this period.

The comparison covers a thirty-year long period from the beginning of transition process to contemporary age and presents main changes in Croatian and Hungarian DSA putting them into a broader institutional context of changes that affected local self-government systems in these countries. DSA in Croatia and Hungary developed on different pathways - one leading to the abolition of county state administration offices and extensive fragmentation of DSA, the other leading to the integration of DSA and transforming county government offices to one of the biggest first-instance state administration bodies in Europe. It is expected that the comparative institutional analysis of Croatian and Hungarian case would shine light on the interplay of historical heritage, pressures from international and EU environment, and national specificities on shaping contemporary territorial administration systems. The analysis could be a good starting point to formulate hypothesis on the role DSA plays in post-socialist countries and the factors that dictate its developmental changes, roles, and significance in territorial administration system. The paper is divided into two parts - the first includes description and analysis of developmental processes in Croatian and Hungarian DSA based on scientific literature, legal sources, and public data, while the second includes discussion of the results of the comparison, considerations about broader impacts that the study has, and presentation of ideas for future research on DSA.

2. Deconcentrated state administration in Croatia: 30 years of ongoing fragmentation and zig-zag integration with local self-government system

DSA in Croatia developed in three phases: the first (1993-2001) when the State Administration System Act (SASA)¹³ was adopted and designated county state offices and city offices of the capital city of Zagreb as first-instance state administration bodies, the second (2001-2020) in which county state offices were integrated into a single county state administration office as first-instance state administration body, and the third that started in 2020 by abolition of county state administration offices and delegation of their affairs into counties' delegated scope of competence. The first phase was characterized by interpenetration of state and local administrative structures in the territory through the figure of county governor who was state representative in the counties as well as holder of executive power in counties, while the second phase was characterized by separation of state and local administrative structures and simplification of DSA to enable development of local self-government system. During the entire period, central state administration bodies could establish their own branch offices in territorial units.

The first phase (1993-2001) started by the adoption of the Constitution and legal acts that laid foundations of Croatian territorial administration system. Former large 100 municipalities from socialist period were replaced by a very fragmented

¹³ State Administration System Act, Official Gazette 75/93.

structure of cities (gradovi) (69) and municipalities (općine) (418) as local selfgovernment units and creation of 20 counties (*županije*) with twofold status of second level self-government units and state administration territorial units. The adopted model was inspired by a French tradition of centralistic unified state with the aim of ensuring stability of state power, controlling national and political opponents in local units, and exerting control over economic goods. ¹⁴ The vertical integration of the state and local system was realized through the institution of county governor who had dual role of state and local official and dual responsibility to central state and county representative body. He was appointed by the county representative body with confirmation of the president of the Republic. As a state representative in counties, county governor had broad command, personal, supervising, and financial powers over county state offices (CSOs) as first instance state administration bodies. As a local official, he was the executive of the county government and chaired the county government collegial executive body. He also had supervisory powers and the obligation to ensure co-operation with local selfgovernment bodies and to assist local units in the exercise of their rights and thus had become a lever of a highly centralized system. 15 The CSOs took over great proportion of public affairs performed by abolished municipalities as well as local officials. 16 Their legal status was regulated by a Government Decree that established eight county offices in each county. 17 In some counties, county tourism offices and county maritime offices were established, too. From their establishment in 1993 until their integration in 2001, there were 176 CSOs in total. CSOs could establish their own branches throughout counties, mostly in larger cities, whose number increased from 706 branch offices in 1993 to 770 branch offices in 1998. 18 By the end of 1997, there were 7066 employees in CSOs in relation to only 1000 officials working in counties' self-government bodies what indicates that the role of counties as state territorial units prevailed over their self-governing role during this period. 19

Central state administration bodies, primarily those performing traditional state affairs (defence, police, finance) but also some others (agriculture, culture, war veterans), established their own branch offices throughout the territory. Being very powerful in their functions, financial means, and the number of their personnel (e.g., the Tax Administration branch offices alone employed about 3,600 officials in

¹⁴ Koprić, Ivan (2001). Uloga županija u hrvatskom sustavu lokalne samouprave i uprave 1990-ih i perspektive regionalizacije nakon Promjena Ustava iz 2000. godine, "Hrvatska javna uprava" 3(1), pp. 65-66.

¹⁵ Koprić, Ivan (2007). Regionalism and Regional Development Policy in Croatia. In: Pálné Kovács, Ilona (ed.) Political Studies of Pécs: Regional Decentralization in Central and Eastern Europe. Pécs (Hungary): University of Pécs, p. 62.

¹⁶ Koprić, Ivan, op. cit., 2001, pp. 65-66.

¹⁷ There were CSOs for the economy; education, culture, information, sports and technical culture; employment, health and social welfare; spatial planning, housing utility services, construction and protection of the environment; cadasters and geodetic engineering; property legal activities; statistics, and general administration (Decree on the establishment of county state offices, Official Gazette 75/93, 96/97, 149/99).

Lopižić, Iva (2017). Utjecaj kapaciteta lokalne samouprave na teritorijalnu državnu upravu. Doctoral thesis, Faculty of Law, University of Zagreb, p. 246.

¹⁹ Koprić, Ivan, op. cit., 2007, p. 62.

1998),²⁰ branch offices represented strong base state had in territorial units. County governor had no powers over branch offices of central state administration bodies. Thus, CSOs represented integrated while branch offices represented unintegrated DSA. During this period other central state administration bodies started to segregate certain affairs from CSOs and to establish their own branch offices. It all started with segregation of maritime fisheries in 1994 following segregation of environmental inspection in 1998 and segregation of market, tourist, mining, livestock, forestry, hunting, wine, and construction inspections, as well as cadastral affairs in 1999.²¹

The second phase (2001-2020) started with the reforms aimed at strengthening local self-government system that included reorganization of DSA. These reforms were introduced by a left-wing political party that came into power after national elections in 2000. The Constitutional amendments in 2000 provided division of state and local administrative structures in the territory by defining counties as units of territorial (regional) self-government and introduced general clause and subsidiarity principle in determination of local affairs. These changes were incorporated in a new Law on Local and Territorial (Regional) Self-Government adopted in 2001. The SASA was subsequently changed in 2001, relying on the necessity to rationalize state administration system. CSOs were integrated into one county state administration office (CSAO) in each county while the county governor ceased to be a territorial state representative and became solely the holder of executive power in counties as territorial (regional) self-government units. The status of CSAOs was regulated by a Government Decree. Their head was appointed by the Government based on public procurement and the CSAOs were responsible to the ministry competent for public administration. As a first instance state administration bodies, CSAOs were in charge for economic affairs, social affairs, general administration, property law and other affairs.²² However, only 15,5% of administrative matters were resolved within CSAOs while the rest was withheld by central state administration bodies. According to the analysis of their activity in 2015, CSAOs were mostly engaged in general administration affairs (personal status of citizens, associations, citizenship, voter lists, registers on personal status) (83,1% of resolved cases). 23 CSAOs could establish their own branch offices whose number was fluctuating around the number of 90. In 2008, the Collegium of heads of CSAOs was established to promote standardized and equal work of CSAOs throughout the state territory.²⁴

²⁰ Ivanišević, Stjepan, Koprić, Ivan, Omejec, Jasna, & Šimović, Ivan (2001). Local Government in Croatia, p. 204, 232. Available at: http://unpan1.un.org/intradoc/groups/public/documents/untc/unpan017042.pdf 8 June 2022.

²¹ Lopižić, Iva (2020). Uloga ureda državne uprave u županijama u hrvatskome upravno-političkom sustavu, "Hrvatska i komparativna javna uprava", 20(3), p. 565.

²² Art. 3. Decree on the internal organization of county state administration offices (Official Gazette 21/02, 78/03, 131/06, 91/07, 70/08), Decree on the internal organization of county state administration offices (Official Gazette 40/12, 51/12, 90/13).

²³ Jurlina-Alibegović, Dubravka (2016). *Reforma javne uprave: stanje i perspektive*. PPT presented at Croatian-French Days in Split, Croatia, 15-16 September 2016.

²⁴ Jurinjak, Jadranka (2009). Glavni rezultati provedbe Strategije reforme državne uprave za razdoblje 2008.-2011., "Hrvatska i komparativna javna uprava" 9(1), p. 34.

The trend towards fragmentation of DSA however continued by segregation of series of affairs from CSAOs and establishing new branch offices (phytosanitary inspection in 2003, agricultural inspection in 2005, sanitary inspection in 2009, statistics affairs in 2010, and water inspection in 2012) leaving CSAOs competent only for sport inspection, administrative inspection and inspections over humanitarian aid and associations. ²⁵ Only in the period 2015 to 2018, the number of branch offices increased from 1279 to 1464, therefore for 14,5%. 26 The growing fragmentation of deconcentrated state administration was furtherly encouraged by heterogeneity of branch offices (only Ministry of Agriculture had 12 types of branch offices during some periods), their territorial organization (only 30% of branch offices followed division of country on counties), and inadequate mechanisms for their coordination.²⁷ In 2016, there were 28 334 officials working in branch offices (most of them of Ministry of Agriculture following Ministry of Interior) in relation to app. 15 000 officials working in local and county self-government the same year. 28 The extensive fragmentation of Croatian DSA was sharply criticized both by European Union²⁹ and public administration scholars.³⁰ Additionally, some of the CSAOs' affairs were decentralized to counties and big cities (issuing of building permits and spatial planning in 2007, affairs related to environmental and nature protection from 2008 onwards). CSAOs lost 45 affairs in total from 2003 to 2018 which led to dramatic decrease in the number of officials working in CSAOs (app. for 30%) as well as their financial resources (app. for 40%) in this period.³¹

The third phase (2020-) began with adoption of new State Administration System Act that provided abolition of CSAOs and transfer of their affairs (except for supervision affairs) to county's delegated scope of competence. In this way, the state and county government integrated once again through the institution of county governor who is responsible for the execution of delegated tasks. 32 The abolition of the CSAOs had not been anticipated in any strategic document on the development of Croatian public administration. On the contrary, these documents proposed rationalization of DSA by merging branch offices into CSAOs. The proclaimed aim of the CSAOs' abolition was rationalization of state administration system and decentralization. However, the ex-ante evaluation of the CSAOs' abolition showed that neither of these goals would be achieved. The evaluation indicated that the real goal of this organizational change was to strengthen the role of counties and the

²⁵ Lopižić, Iva, op. cit., 2020, p. 566.

²⁶ Ministry of Public Administration (2018) Strateški plan Ministarstva uprave za razdoblje 2018. – 2020. godine, Available at https://uprava.gov.hr/UserDocsImages//Pristup%20informacijama// Strate%C5%A1ki%20plan%20Ministarstva%20uprave%202018-2020%20 8 June 2022.

²⁷ Lopižić, Iva, op. cit., 2017, p. 246.

²⁸ Jurlina-Alibegović, Dubravka, op. cit., 2016, p. 17.

²⁹ European Commission (2018). Country Report Croatia 2018 Including an In-Depth Review on the prevention and correction of macroeconomic imbalances, Available at: https://ec.europa.eu/info/ sites/info/files/2018-european-semester-country-report-croatia-en.pdf, p 47. June 8 2022.

³⁰ Koprić, Ivan (2015) Teritorijalna organizacija Hrvatske: prema novom uređenju. In: Jakša Barbić (ed.) Nova upravno-teritorijalna organizacija Hrvatske. Zagreb (Croatia): HAZU.

³¹ Lopižić, Iva, op. cit., 2020, p. 563, 567.

³² Art. 35. State Administration System Act (Official Gazette 98/19).

position of county governors since the very existence of counties was continually criticized by scientific community that pled for their abolition and creation of five regions as modern regional self-government units.³³ The CSAOs ceased with their work on January 1, 2020. County government took over CSAO's officials (app. 2000 of them) as well as more than 60 affairs performed by the CSAOs. The state continued to partially finance salaries of CSAOs' officials and expenses of performing delegated affairs and withheld supervision of legality and purposefulness of the execution of delegated tasks. The first results of CSAO's abolition showed mixed results. The positive effects are better material rights of former CSAO's officials, better working conditions and unchanged or slightly improved position of citizens while the negative results are weaker control exercised by the central government and the loss of control over general acts of units of local selfgovernment. Some issues are still open: whether there will be a new increase in the number of county officials, whether their current reduction will affect the quality of work; what is the position of the county governor and whether politicization will increase: what is the future role of counties and whether there can be inequality in the performance of delegated state tasks between counties.³⁴

The new legislation however had not introduced any changes aimed at rationalizing dense network of central state branch offices. The powerful state mechanism of branch offices as the core problem of Croatian DSA remained the same, generating overlaps, inefficiency and uncoordinated state action in the territory and disabling development of local self-government system.

3. Deconcentrated state administration in Hungary: from path finding to path dependency

DSA in Hungary developed in three main phases from the beginning of transition period as well: *the first phase* (1990-2002) when after the dissolution of the former soviet councils ministries created dense network of branch offices in parallel to newly established municipal and county self-government, *the second* (2002-2010) when a large number of ministerial branch offices were reorganized from county to regional level, and *the third* (2010-) when great proportion of ministerial branch offices were integrated into capital and county government offices as first-instance state administration bodies.³⁵ The first phase was characterized by emphasizing the role of newly established self-government units and neglecting the role of DSA what consequently led to unsystematic development of DSA, the second phase was characterized by the reductions of the overgrown DSA and regionalization of DSA structures, while the third phase was characterized by a large-scale

³³ Lopižić, Iva, & Manojlović Toman, Romea (2019). *Prethodna evaluacija ukidanja ureda državne uprave u županijama*, "Zbornik Pravnog fakulteta u Zagrebu", 69(5-6), pp. 635-670.

³⁴ Lopižić, Iva, & Manojlović Toman, Romea (2022). Integracija poslova ureda državne uprave u županijsku upravu: dosadašnji rezultati, "Zbornik Pravnog fakulteta u Zagrebu", 71(3/4), pp. 477-509.

³⁵ Barta, Attila (2012). New Trends in Territorial Representation of Governments on the Recent Transformation of Hungarian Territorial State Administration, "Curentul Juridic", 48(1), pp. 75-84.

organisational integration of DSA and frequent legislative changes that affected the DSA and its relation both with central state administration and local and county selfgovernment system.

The first phase (1990-2002) started by full review of Hungarian Constitution and adoption of Act LXV/1990 on local self-governments that laid down the foundations of Hungarian territorial administration system. Building a strong system of local self-government was considered to be a prerequisite for a successful transition: the municipal layer of territorial administration that was neglected during socialist period (apart from some cities) gained prominence while the county level as the dominant territorial layer during socialist regime was somewhat neglected.³⁶ Need for democratization resulted in giving a status of local unit to every settlement what resulted in great fragmentation of Hungarian local self-government system. Following types of local self-government units were established in 1990: 2902 villages (község, including the so-called large-village category as well), 145 cities (város), 20 cities with county rights (megyei jogú város), 23 capital districts (fővárosi kerület) and the capital of Budapest with dual status of county and municipality (fővárosi önkormányzat). Local self-government units were given a wide range of tasks due to the view the more tasks they perform, the stronger they would be. The second tier of self-government system comprised 19 counties (megye) assigned with the tasks in the domain of certain medical, educational, cultural, and other public utilities.37

The intensive fragmentation of local self-government system, weak capacities of local units (more than half of them had less than 1000 inhabitants), distrust of central state administration towards local self-government, and the failure of reassigning many of the state administration tasks performed by soviet councils to county government led to peculiar development of DSA in Hungary.³⁸ Various ministries started to establish their own branch offices (for water management, land registration, tax administration, reparations, public health, and road maintenance). This process was lacking the whole-of-government perspective eventually resulting in the undue overexpansion and extensive fragmentation of DSA in the next couple of years.³⁹ There were approximately 30 DSA organisations operating in almost each

³⁶ Pálné Kovács, Ilona (2006). A középszint reformjának nehézségei, "Magyar Közigazgatás", 56(3-4),

³⁷ Ruttkay, Éva (2009). Local Development and Local Government in Hungary: Challenges for a New Local Policy. In: Paul Blokker & Bruno Dallago (eds.) Regional Diversity and Local Development in the New Member States. London (UK): Palgrave Macmillan, p. 200-203. Combined with the data from here: http://xn--tosz-5qa.hu/uploads/dokumentumok-kiadvanyok/Onkorm 30 eve konyv netre.pdf p. 492. 12 June 2022.

³⁸ Ivancsics, Imre, & Virág, Rudolf (2006). Javaslat a jelenleg működő területi államigazgatási szervek szervezeti átalakítására, feladat- és hatáskör felülvizsgálatára. In: Balázs István & Bércesi Ferenc (eds.), A területi államigazgatás reformja. Budapest (Hungary): Magyar Közigazgatási Intézet, p.

Barta, Attila (2021). Innovative Solutions in Hungary's Deconcentrated State Administration. "Curentul Juridic", 85(2), pp.40-41.

county in Hungary at that time.⁴⁰ The effort to integrate DSA by the institution of Commissioners of the Republic (CoR) as territorial state representative failed to assure cooperation of ministerial branch offices and was abolished in 1994. Instead of them capital and county offices of public administration (COPA) were established as first-instance state administration bodies charged for coordination of ministerial branch offices and exercising control of legality over local self-government units.⁴¹

The issues of DSA gained interest in the political and scientific communities only in the mid-1990s. Despite the multitude of plans and Government resolutions (aimed at clarifying legislation, reducing the number of organisations, optimizing task allocation, and remedying the fragmentation of the DSA) the issues of DSA hadn't been solved due to lack of political support. ⁴² From the mid-90s onwards the number of branch offices decreased from 30 to 21. This process slowed down in the early 2000s and then gave way to growth. By the 2000s, there were 28 various branch offices in the country (roughly the same number as at the beginning of 90s), and in following years their number had increased even further. ⁴³

The second phase (2002-2010) started with a shift in Government to Socialist Party that promised reforms aimed at rationalising and regionalising DSA and organising elections for regional government by 2006. Even though some efforts to regionalise territorial administration were introduced during 90s (e.g., establishment of development region in 1996), only in the early 2000s the Government declared the reorganization of DSA considering it as a first step to introduce regional self-government in Hungary. The process involved more than 40 types of DSA and law enforcement organisations at that time. By 2008, DSA was reorganized in a way that most of the branch offices were rescaled to the area of seven regions, 16 branch offices operated at the lower regional level, 8 regional offices functioned in special regional units, while only 7 branch offices remained at the county level. The results of DSA reorganization were mixed. Firstly, it only affected the system of DSA without resulting in creating system of regional selfgovernment. Secondly, there was no coherent approach to DSA: the entire process was more like a series of portfolio reforms carried out in the same timeframe, but frequently dispersing during execution what resulted in numerous discrepancies. 44

The third phase (2010-) started after national elections in 2010 and adoption of Act CXXVI/2010 that established capital and county government offices (CGOs) what marked the beginning of a new era of Hungarian DSA. The aim of the reform was the concentration of state services in a centralised system, the integration and

⁴⁰ Balázs, István (2001). A közigazgatás továbbfejlesztésének időszerű feladatai, különös tekintettel a területi államigazgatásra (Kézirat). Manuscript, p. 26.

⁴¹ Temesi, István (2014). Institutional System of Hungarian Public Administration: Territorial Public Administration. In: András Patyi & Ádám Rixer (eds.) Hungarian Public Administration and Administrative Law. Passau (Germany): Schenk Verlag GmbH, p. 304, 307.

⁴² Lőrincz, Lajos (1999). Közigazgatás: tegnap, ma holnap, "Tér és Társadalom", 13(3), pp. 3-18.

⁴³ Barta, Attila (2013). Területi államigazgatás Magyarországon. Budapest (Hungary): Gondolat Kiadó, pp. 144, 153.

⁴⁴ Ibid, pp. 149-150.

simplification of DSA, as well as strengthening coordination and efficiency. 45 The organisational integration affected COPAs and 15 other ministerial branch offices this meant that approximately 250 offices, or about half of the entire state administration. 46 Not every ministerial branch office had been integrated into CGOs, some of them (11 different ministerial branch offices at that time) continued to exist separately, albeit still being coordinated by the CGOs (with some exceptions like tax administration). The 20 mega-offices employed approximately 20000 public servants, with an annual number of cases close to 6350000. Unlike COPAs that were headed by a professional official, CGOs are headed by Government Commissioners, who are territorial state representatives appointed by the Prime Minister.⁴⁷ The CGOs proved to play a pivotal role in the transformation of Hungarian DSA. The Hungarian Government aimed to fulfil two goals by establishing CGOs: they would serve as the base of (re)assigning tasks and responsibilities and would become points of single contact with citizens. Within CGOs, Government Windows (GWs) as onestop-shops were established. Their number (29 in 2011 in relation to approximately 300 in 2018) and the number of administrative services they offer (29 in 2011 in relation to approximately 2000 in 2018) significantly increased. Today GWs are functioning not only at fixed locations but there are some mobile GWs (minibuses).⁴⁸

Following the creation of the CGOs in 2011, legislation refined the institution further in almost each subsequent year. One of the most important changes occurred in 2013. 29 years after its abolition, the legislator has re-institutionalised the district system between the county and the municipal level and linked the "resurrected" district offices (DOs) to the CGOs. Of the 198 districts set up in the country, 197 remain today (the number varies between 6 and 18 per county) of which 23 are in the capital. Originally, the legislator defined more than 80 state administration tasks to DOs- partly from branch offices operating in smaller areas than the county boundaries (such as land, labour, public health, veterinary, childcare and building authorities) and partly from the municipalities' delegated scope of competence.⁴⁹ Furthermore, state recentralized other affairs performed by municipalities and county self-government units and established new deconcentrated agencies for broad range of services (schools, primary health care, social services, hospitals, homes for elderly, etc.) severely diminishing local self-government scope of competence and leaving county self-government competent only for regional development.

⁴⁵ Temesi, István (2014). Institutional System of Hungarian Public Administration: Territorial Public Administration. In: András Patyi & Ádám Rixer (eds.) Hungarian Public Administration and Administrative Law. Passau (Germany): Schenk Verlag GmbH, pp. 309.

⁴⁶ Barta, Attila (2016). The Next Generation of Capital and County Government Offices Developments in Hungarian Middle-Level State Administration Since 2011, "Public Governance, Administration and Finances Law Review", 1(2), pp. 5-14.

⁴⁷ Hegyesi, Zoltán (2021). Territorial State Administration of the Visegrad Countries (V4). Central European Papers, 9(2) p. 49.

⁴⁸ Barta, Attila (2018). Messze-e a távol? Pillanatkép területi államigazgatásunk aktuális rendszeréről és ügyfélszolgálati megoldásairól, "Új Magyar Közigazgatás", 11(4), pp. 14-16.

⁴⁹ Árva Zsuzsanna, Balázs István, Barta Attila & Veszprémi Bernadett (2020). Állami erőforrások. Szervezet és személyi állomány a végrehajtó hatalom körében. Budapest (Hungary): Dialóg Campus, pp. 156-161.

In 2015, some branch offices (the Environmental and Nature Protection Inspectorates, branch offices of Hungarian Mining and Geological Bureau) and certain tasks (e.g., the Hungarian Treasury's tasks relating to family support and state aid for housing, certain tasks of the Immigration Office, accident compensation and test of work incapacity from the regional offices of the National Health Insurance Fund) were merged with CGOs. In the same year simplification of the internal organisation of the CGOs (both at county and district level) started.⁵⁰ From 2016 to 2018, some changes inspired by neo-Weberian model of public administration were introduced. Central state administration back offices have been abolished or merged into ministries, or a significant part of their tasks have been transferred to DSA, especially to CGOs. The new responsibilities have also led to a rethinking of division of labour between CGOs and DOs. In the end, 914 of the 1106 responsibilities previously performed by CGOs have been transferred to DOs. At the same time, a further 36 responsibilities have been transferred from some central state administration bodies to DOs directly. The reorganisation of tasks has been accompanied by a change in staffing. The 20 GOs and 197 DOs employed approximately 36000 officials. Of these, approximately 11000 were employed at the county level and 25000 at the district level.⁵¹

In 2019 and 2020, some new modifications affecting DSA were adopted. However, in their orientation they differed from the previous developmental directions of Hungarian DSA. The legislator in multiple waves transferred tasks previously performed by CGOs to other institutions (e.g., central state administration bodies, other DSA bodies, chambers, non-profit organisations). The outflow of tasks took place in several stages during 2020. At the end of this period, a specific reorganisation within CGOs occurred. The division of labour between the district and county levels of CGOs has changed again shifting focus back to the county level. The restoration of the primacy of county level clearly marks a break with the transfer of tasks to the DOs that characterized 2016-2018 periods. The question is whether this trend will continue in the coming years and, if so, with what momentum and in what 'scenario'. ⁵² In 2022 the DSA system is likely to undergo additional changes because of the restructuring of the central state administration.

4. Development of Croatian and Hungarian deconcentrated state administration: identifying convergent and divergent trends, discussing the role of deconcentrated state administration, and concluding remarks

The institutional analysis of Croatian and Hungarian DSA from the beginning of democratic transition to the present enabled identification of convergent and divergent trends in their developmental paths. The foundation of a

⁵⁰ Gyurita, Rita (2021). Integrációs folyamatok a területi államigazgatási szervezetben, a fővárosi és megyei kormányhivatalok, "KözigazgatásTudomány", 1(2), pp. 63-65.

⁵¹ Árva Zsuzsanna, Balázs István, Barta Attila & Veszprémi Bernadett (2020). Állami erőforrások. Szervezet és személyi állomány a végrehajtó hatalom körében. Budapest (Hungary): Dialóg Campus, p. 164.

Barta, Attila (2021). Challenges and Possibilities in the Development of Territorial State Administration. The Hungarian Example, "Central European Papers", 9(2), pp. 73-74.

territorial administration system in both countries is characterized by institutional break with the former socialist system. On one side, Croatia weakened position its local units enjoyed during socialist period, fragmented its territorial organization, and built strong, dense network of DSA that played dual role during the 90s- as an instrument of achieving the state unity and as an instrument of the execution of wide range of public affairs. The strong centralization, predominance of DSA over local self-government system, and integration of state and county government through the institution of county governor as territorial state representative were partially result of the War of Independence (1991-1995) that demanded unified state organization and command but also interests of the leading political party that wanted to ensure its position, influence, and control through the administrative apparatus.⁵³ On the other side, at the beginning of transition period Hungary promoted development of local self-government system. The agenda on how to divide state administrative structures and local self-government units was comprehended as the great challenge of transition period. The Hungarian reform was the best prepared, the most comprehensive and the most liberal among the territorial administration reforms in CEE countries. Additionally, Hungary fully ratified European Charter of Local Self-Government already in 1994. 54 However, highly fragmented structure of local selfgovernment system that generated weak local self-government capacities, weak county self-government, and distrust of ministries towards local self-government system led to the proliferation of ministerial branch offices. Due to individual ministerial approaches, this process resulted in an unsystematic development of DSA in Hungarian territorial administration system.

The shortcomings of the adopted institutional solutions (centralized, unified, and politicised territorial administration system in Croatia v. highly fragmented, very autonomous, sub-capacitive local self-government system and extensive, irrationally organized network of DSA in Hungary) and the change of the political power to the left-wing, pro-European political parties at the beginning of 2000s led to the second developmental phase of DSA both in Croatia and Hungary. This period was characterized by certain convergent efforts to rationalize and simplify organizational aspects of DSA as measures accompanying decentralization (Croatia) or preceding regionalisation (Hungary). The results of these efforts were however limited in their scope. In Croatia, new constitutional and legislative framework on local and county self-government system led to separation of state and local structures and integration of 176 CSOs that had 770 branch offices into 20 CSAOs with 91 branch offices what represents a significant rationalization of DSA. In this renewed institutional context, decentralization in education, healthcare, and social care occurred but was limited to counties and 33 cities due to insufficient capacity of other local units to overtake decentralized functions.⁵⁵ Additionally, fragmentation of DSA that has its roots at

⁵³ Koprić, Ivan, op. cit., 2001, pp. 65-66.

⁵⁴ Illner, Michal (1997). Territorial Decentralization - a Stumbling Block of Democratic Reforms in East-Central Europe? Polish Sociological Review, no. 117, p. 35.

⁵⁵ See more in: Koprić, Ivan, & Đulabić, Vedran (2018). Evaluation of the decentralisation programme in Croatia: expectations, problems and results. In: Ivan Koprić, Helmutt Wollmann and Gerard Marcou (eds.) Evaluating reforms of local public and social services in Europe: more evidence for better results. Palgrave Macmillan, pp. 243-260.

the end of 90s was continued throughout the whole second developmental phase. CSAOs' scope of competence was significantly reduced due to segregation of the affairs they performed to newly established ministerial branch offices. A closer analysis of this process suggests that segregation was led by political interest of powerful ministers to acquire complete control over their administrative area and spread their power throughout the territory. ⁵⁶ In Hungary, after a several years of political rivalries and disagreements how to regionalise the country to prepare it for EU accession and EU cohesion policy, certain improvements on rationalization and regionalisation of DSA had been finally done. However, contrary to what was announced, this process wasn't accompanied by creating regional self-government units due to conflicts within the ruling party, realisation that EU membership was possible even without regions and with a weak system of local government, and lack of opposition support. ⁵⁷

After the national elections in 2010, Hungarian DSA entered the new developmental phase characterized by measures aimed at integration of DSA and turning it into powerful Government's mechanism to exert its control over territorial administration system. In parallel, the new Government adopted Law No CLXXXIX on local self-government in 2011 and Fundamental law in 2012 that severely reduced local self-government autonomy and weakened its position in territorial administration system. This period is characterized by intensive deconcentration from ministries to the newly established CGOs, recentralization of some affairs from county and local self-government to DOs and ministerial branch offices, bringing public administration services closer to citizens through GWs, and rescaling the competition for state administration tasks from county-regional to district-county layer. The topic of DSA became dominant in political discourse and administrative reorganizations in Hungary during the last 10 years. However, the reallocation of state administration tasks that took place in 2019 and 2020 might have been the beginning of the new processes that will lead Hungarian DSA in different directions.

The third developmental phase of Croatian DSA started with abolition of CSAOs in 2020 what came as a natural result of the linear institutional path of their weaking. By transferring CSAOs tasks to the counties, Croatian Government once again demonstrated its unwillingness to carry out territorial reorganization of the country. Unlike Hungary that rescaled its DSA from county to regional and district level and back, counties persisted to be the main layer for DSA organization in Croatia throughout the whole period. Even though the very existence of counties has been a topic of discussion since their creation in 1993, growth of their personnel and scope of competence will unable or at least postpone regionalization of the country what might be considered as the hidden motive behind CSAOs' abolition. From the late 90s to the present no measures have been introduced to simplify or rationalize dense network of central state administration branch offices what clearly indicates lack of political interest to rationalize, modernize and truly transform Croatian DSA.

⁵⁶ Lopižić, Iva, op. cit., 2020, pp. 568-569.

⁵⁷ Ilona Pálné Kovács, Ákos Bodor, István Finta, Zoltán Grünhut, Péter Kacziba & Gábor Zongor (2016). Farewell to Decentralisation: The Hungarian Story and its General Implications, "Hrvatska i komparativna javna uprava", 15(4), pp. 798-799.

Some featuring characteristics of Croatian and Hungarian territorial administration system are quite similar today - both Croatia and Hungary are centralized, unitary countries with two-tier structure of territorial self-governing units unwilling to consolidate fragmented structure of their local units and introduce regional self-government units, still heavily relying on DSA in execution of public tasks, and with comparatively low share of subnational units in public expenditure.⁵⁸ However, the processes that took place beneath often had divergent directions leading to significant differences in organisation and role of their DSA in the present time. The analysis of these processes allows drawing some conclusions that could explain these differences and formulating some hypothesis from Croatian and Hungarian case. Firstly, it can be concluded that processes in DSA are closely interrelated to the processes and characteristics of local self-government system as its counterpart in territorial administration system. The experience of these countries indicates that DSA can serve as a substitute for decentralization and weak local capacities or as an instrument that makes development of local self-government difficult or even impossible. Additionally, in both countries changes in DSA were induced, preceded, or coincided with changes (whether implemented or intended) in local self-government system. Secondly, the role of DSA is closely interrelated with the changes on the central state level. In both countries DSA proved to be a powerful instrument of centralistic state regime- the stronger the role of the state, the stronger the role of DSA as an instrument of implementation of state policies. The comparison of Croatian and Hungarian case also shows that the level of DSA fragmentation reflects power distribution at the executive level- the more power is integrated within one holder of political power, the more integrated the system of DSA is and opposite. Thirdly, Croatian and Hungarian case showed that external factors (transition process, EU integration, international standards on good governance, pressures from good international practices, etc.) do incite administrative reforms but that the internal factors (administrative tradition, national specificities, major crises, political agenda of the leading political parties, etc.) define the real effects and success of these reforms. However, to confirm their validation, these hypotheses should be tested by in-depth analysis of DSA developmental processes in other CEE countries. To conclude, it seems that the future of DSA in territorial administration system of CEE is uncertain- although the pendulum swung toward local self-government system in most of them, different circumstances and interest may push it back to DSA in the future.

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⁵⁸ In terms of number of inhabitants, Croatian local units are on average twice as big as Hungarian local units. Also the share of Croatian subnational units is almost twice bigger than Hungarian what indicates that Croatian system of local self-government is somewhat more developed than Hungarian. OECD (2018). Key Data on Local and Regional Governments in the European Union. Available at: https://www.oecd.org/regional/EU-Local-government-key-data.pdf

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