# COMPARATIVE LAW ASPECTS REGARDING THE SPECIALIZED CENTRAL PUBLIC ADMINISTRATION

https://doi.org/10.47743/jopafl-2021-22-26

**Liliana ȚURCAN**
Faculty of Law, Moldova State University,
Chișinău, Republica Moldova,
*turcanliliana77@gmail.com*

**Abstract***: This article constitutes a study dedicated to the specialized central public administration in various countries. The purpose of this article is to analyze the constitutional and legal rules of contemporary States relating to ministerial and extra-ministerial administration. The trends of development of the ministerial system are analyzed, as well as the basic factors determining the number of ministries, the organization and functioning of these public authorities. In addition, the principles of organizing the specialized central authorities and some of their specific features are examined.*
**Keywords:** *specialized central public administration, ministry, minister, autonomous authorities.*

## Introduction

The specialized central public administration is an important element of the public administration system of any contemporary state, having the mission to enforce the laws and to provide qualitative public services to beneficiaries in one or more branches or areas of social life. The notion of specialized central administration is defined, in a formal organic, but also functional material sense, as a set of administrative, governmental or autonomous bodies within the state administration, through which the execution of the provisions of the law is organized, in a certain field of activity, through executive or public services activities [19, p.639]. There is no single formula for all states regarding the organization and functioning of the specialized central public administration. Obviously, the relevant constitutional provisions may also differ from state to state. For example, in the Romanian Constitution [7], provisions regarding the specialized central administration can be found in Section 1 of Chapter V „Public Administration". Thus, according to art.116 of the Romanian Constitution „(1) The Ministries are organized only under the subordination of the Government. (2) Other specialized bodies may be organized under the subordination of the Government or of the ministries or as autonomous administrative authorities ". Therefore, in Romania, the specialized central public administration consists of the ministerial administration and the extra-ministerial administration, which, in turn, consists of other specialized central authorities subordinated to the Government or to the ministries and autonomous central authorities [23, p.215].

In terms of how it is written, the option of the Romanian constituent legislator is not unique in the European and international constitutional landscape. Thus, if we analyze the constitutions of other states, we will find that many of them include parts dedicated to the regulation of public administration, together with the other executive authorities or separately (Germany, Greece, Ireland, Italy, the Netherlands). There are also states whose Constitutions regulate exclusively the Government, reserving to the law the regulation of

the other components of the executive power (Belgium, France, Luxembourg, Spain), as well as isolated situations, in which not even the organization and the functioning of the Government enjoy a constitutional regulation (Denmark) [8, p.71].

**Ministerial administration**

Not only in Romania, but in most contemporary states the specialized central public administration consists of the ministerial administration and the extra-ministerial administration. As A. Iorgovan mentions, the term „ministerial administration" in the administrative doctrine designates the specialized central bodies that are directly subordinated to the Government, regardless of whether or not they have the name of ministries, and their head is, by right, based on Constitution, part of the Government, but there are, in each country, bodies, called committees, councils, agencies, departments whose head, as a rule, is not part of the Government [10, p.434]. Ministries are the basic element in the system of specialized central public administration authorities, being created in order to organize the administration in the most important areas of socio-economic and political life. The importance of ministries is also emphasized by the fact that their leaders are part of the government.

From the perspective of comparative law, the administrative doctrine notes that the current Western constitutions, as a rule, do not contain comprehensive regulations on the organization and functioning of the ministerial administration, because it is one of the areas most often subject to change. Constituent legislators are limited to some provisions of principle value in terms of organization, but especially in terms of the functioning of ministries, being closely related to the clarification of the constitutional status of ministers [10, p.434].

In general, the number, name and competence of ministries are not expressly established by the Constitution. However, there are countries where the rules of law applicable to the establishment of ministries are intended to ensure stability. For example, in Ireland, the minimum and maximum number of ministries are set by the Constitution, and the actual number of ministries – by law. Thus, Article 28 of the Constitution of Ireland of 1937 expressly states that "the Government shall consist of not less than seven and not more than 15 members who shall be appointed by the President in accordance with the provisions of this Constitution" [5]. In Spain and Italy, ministries are in principle created by law. Often the legal barriers that may arise during the establishment of ministries are blurred by material barriers [4, p.94]. The number of ministries is determined, as a matter of priority, by the volume of public administration tasks in one or another field of activity, but also by the conceptions and political interests of the members of the government. Too many ministries burden the state budget, and coordination is difficult. And a small number of ministries create difficulties through the blockage that occurs through the agglomeration of ministers responsible for too many problems in the field they lead [2, p.201].

The relatively frequent change of the number and title of ministries is found in several states, such as Romania, Belgium, Denmark, France, etc. The question that arises is whether these changes are an adaptation to the dynamics of reality, in order to increase the efficiency of public services with the aim of improving executive activity or, rather, would often be the result of partisan errors or pressures. A categorical answer, it is argued in the doctrine, would be difficult to give, regardless of the state to which we refer [9, p.72].

The ministerial system is a living mechanism, constantly changing and developing. The development takes place under the influence of two basic tendencies: the dismemberment (differentiation) of the ministerial system and the integration (fortification) of the ministerial element.

From a historical point of view, the first development trend of the ministerial system was its dismemberment. Thus, in several European countries (eg Prussia, Belgium) there was initially only one ministry – of Home Affairs, which was responsible for administration in the basic areas of social life. Subsequently, separate ministries, such as the Ministry of Education, Labor, Health, Economy, Agriculture, etc., began to dismember within this ministry. We find this trend even today in some states, in cases where they consider that a narrower specialization is needed and divide the functions of some ministries. The trend of integration, on the contrary, leads to the formation of super-ministries, which include several ministries with similar functions. As an example, we can bring here the Ministry of the Economy, Finance and the Recovery from France, whose tasks are concerned with all issues of interest to the state economy.

Another example of a super-minister is the German Ministry of Labor and Economy, created in 2002 as a result of the merging of the Ministry of Economy and the Ministry of Labor. When this ministry was created, the task was to make the economy more dynamic and to reduce the level of unemployment in the country. Later this ministry was dismembered in two, today there is the Federal Ministry of Labor and Social Affairs and the Federal Ministry of Economic Cooperation and Development.

Another example is U.S. Department of Homeland Security created in 2002 in the USA, which united 22 various services, responsible for security: border service, services for exceptional cases, etc. [14, p.58-59]. It was formed as a result of the Homeland Security Act, enacted the previous year in response to the 9/11 attacks. The Department of Homeland Security works to improve the security of the United States. The Department's work includes customs, border, and immigration enforcement, emergency response to natural and manmade disasters, antiterrorism work, and cybersecurity. With more than 240,000 employees, DHS is the third-largest Cabinet department, after the Departments of Defense and Veterans Affairs.

It should be noted that if the reorganization of the ministerial administration takes place without a reasoned substantiation, only through a mechanical merging of several ministries in order to reduce their number, the reorganization will not take long. These two above-mentioned trends are not excluded, but, on the contrary, complement each other. Each trend has its advantages and disadvantages. As advantages of the integration trend we can mention: the reduction of the number of members of the government, the reduction of the expenses, the possibility to achieve more easily a unique policy in a field of administration. As a disadvantage may be the fact that the chances increase that a wrong decision will be made as a result of the removal of the decision-making subject from the object of administration.

The development of the social and economic functions of the states during the 20th century generated a sudden increase of their administrative tasks, having as a consequence the increase of the number of ministries. In most states, in addition to „classical" ministries, such as the Ministry of Finance, the Ministry of Foreign Affairs, the Ministry of Home Affairs etc., new ministries have been established, their appearance being determined by a number of factors, such as: technical and scientific progress, the emergence of new state

functions (Ministry of Digital Development, Communications and Mass Communication in Russian Federation; Federal Ministry of Transport and Digital infrastructure in Germany etc.) or the need to solve urgent problems (Ministry of Immigration, Refugees and Citizenship in Canada, Ministry of Environment and Water in Bulgaria etc.).

Although it may have some disadvantages, the integration trend has become the basic trend of the development of central public administration in recent decades in several states. As an example of this, we can give the case of the Republic of Moldova, which currently has 13 ministries, compared, for example, with the period 2006-2007, when 17 ministries were active. When starting the process of reorganizing the system of ministerial administration, the government must take into account not only the advantages and disadvantages set out above, but also the concrete socio-political and economic situation.
The number of ministries is also determined by the form of government of the state. Thus, in presidential republics, the number of ministries is usually smaller. This is explained, firstly, by the high degree of centralization of the administration (the president is the head of the executive branch), and secondly, by the possibility of forming a government, without granting ministerial posts to representatives of various parliamentary factions [18, p. 62].
We have a different situation in the case of parliamentary republics, where the number of ministries usually ranges from 20 to 40. Most often, the creation of „extra" ministerial posts takes place in the case of the formation of coalition governments.

The system of ministries usually corresponds to the character and volume of the State's tasks. In some countries, this system is characterized by instability and the creation of a new government is accompanied by its reorganization. In very few countries, the number of ministries remains unchanged over a long period. This stability can be determined either by the traditions of state administration in a specific country (for example, in Finland, since independence, over more than 60 years, only one ministry – that of environmental protection – has been created), whether by the fact that the system of ministries is provided at constitutional or other level (Austria, Poland, USA, Mexico etc.) [11, p.47]. The ministerial administration is usually organized in accordance with the principle of branch management, in order to cover the most important areas of state leadership, as well as the fundamental directions of social development. The authors of administrative law classify the ministries, according to the nature of the activity they carry out, in three main categories: a) ministries with economic activity (such as the Ministry of Economy, Energy and Business Environment, the Ministry of Agriculture and Rural Development); b) ministries with socio-cultural and scientific activity (such as the Ministry of Education and Research, the Ministry of Labor and Social Protection); c) ministries with political-administrative activity (such as the Ministry of Home Affairs or the Ministry of Foreign Affairs) [3, p.224]. However, that classification must not be interpreted rigidly, in the sense that they fulfill only the duties of the group to which they belong. On the contrary, in addition to the majority economic attributions performed by ministries with economic activity, for example, they also fulfill social, administrative and scientific attributions, and conversely, economic attributions are also fulfilled by other ministries with predominantly social and cultural-scientific or administrative activity [16, p.93].

The complex nature of the tasks performed by ministries can have the consequence that one and the same ministry can be assigned to two groups at the same time. For example, the Ministry of Tourism present in several states (Italy, Bulgaria, Canada etc.) is

usually assigned to the category of ministries with economic activity, but we cannot deny that it also exercises socio-cultural responsibilities.

Although most ministries are organized on the basis of the principle of branch management, we currently find ministries created on the basis of the principle of beneficiaries of services provided by the ministry (Ministry of Veterans Affairs in Canada, Federal Ministry for Family Affairs, Senior Citizens, Women and Youth in Germany, Ministry of Children and Families in Norway), as well as ministries created on the basis of a combination of both these principles (Ministry of Families, Children and Social Development of Families in Canada).

In order to support specific territories, ministries may be set up on the basis of the regional territorial principle. As an example we can give the UK Ministry of Northern Ireland (Northern Ireland Office) or the Ministry of Development of the far East and the Arctic in Russian Federation.

**European perspective**

The name of the ministry may also reflect the major objective of the state at a certain stage, an objective that is provided in the governing program of the party / parties in power. As an example in this regard we can give the Ministry of Foreign Affairs and European Integration of the Republic of Moldova.

The areas in which the ministries operate are determined to a large extent by the geographical position, by implication the priority areas in the country's economy (for example, in Canada – Ministry of Fisheries, Oceans and the Canadian Coast Guard, in Norway – Ministry of Fisheries and Seafood, in France – Ministry of Marine Affairs, in Germany – Federal Ministry of Food and Agriculture).

There may be ad-hoc ministries, which are created in order to solve concrete tasks, followed by the dissolution of the ministry. The Ministry of Denationalization created in 1986 in Canada can serve as an example.

Although ministries operate in various fields, some common features can still be identified. Thus, the specialists from the western countries, as a rule, highlight the following basic functions of the ministries [11, p.43]:

- the function of transforming national policy tasks into concrete administrative activities. This function consists in elaborating the forms and methods of activity meant to achieve the purpose for which the ministry was created;
- the function of leading the services of the ministry. The realization of this function takes place in three basic directions: determining the budget, selecting the staff, as well as organizing the ministry, i.e. determining its structure and dividing the competence of the ministry between its structural elements;
- coordination function. The coordination activity at ministerial level includes firstly, the regulation of the daily administration activity; secondly, the coordination of the activity of the structures that are not part of the ministry, but which are obliged to approve some activities;
- the control function, which is permanently performed by the managers regarding the subordinates, the managers being entitled to give indications that are obligatory for execution.

Although the holders of executive power are everywhere free to establish their governing structures within the democratic framework, the function of ministries is broadly the same: to program the activities entrusted to them, to prepare draft decisions that the Government must submit to Parliament, to ensure the connection with the executive bodies of the local administration [3, p.219].

The way of organization and functioning of each ministry is regulated, as a rule, in the special act by which it is created: law or normative act issued by the head of state, government or minister. In some states, there are standard regulations for ministries. For example, in the Republic of Moldova, the Law on specialized central public administration, no. 98 of 04.05.2012 [12], contains general regulations on the organization and functioning of ministries, while the legal status of each ministry is determined by government decision. Art.7 of the Law of the Republic of Moldova on government, no.136 of 07-07-2017 [13], expressly provides that "The Government establishes the organization and functioning, the fields of activity, the structure and the limit staff of the other central administrative authorities subordinated to the Government and of the organizational structures within their sphere of competence, coordinate and control their activity".

In Romania, the provisions of Law No 90/2001 on the organization and functioning of the Government of Romania and Ministries have been taken over in the Administrative Code, approved by the Emergency Ordinance No 57 of 03.07.2019 [6], which contains Title II „Specialized Central Public Administration". According to Article 62(3) of the Administrative Code, the aspects specific to the organization and functioning of the Ministry responsible for national defense and the Ministry responsible for public order are regulated by special laws, and as regards the other Ministries, by Government Decision.

In Western countries, the theory of administration starts from the fact that the task of each ministry is to exercise public power in a certain field. In order to accomplish this task, the ministry must have a leader (minister), qualified staff and financial possibilities, provided by the budget. The totality of these three components of the ministerial element – minister, staff and budget – sets in motion the state authority, allows it to function effectively and to perform the assigned tasks [11, p.43].

The Minister is responsible for the organization and internal management of his ministerial department, as well as for the application of general regulations in the field of civil service and public accounting. The Minister combines political and administrative functions. Politically, he participates in the actions of the Government and is accountable to Parliament in solidarity with the other members of the Government. From an administrative point of view, he is the head of the entrusted ministerial department and fulfills attributions in this respect [4, p.98].

Leaving aside their governmental role, ministers exercise very important administrative duties. They directly appoint many officials and propose the appointment of senior officials to the Head of State. They maintain discipline in the services and keep them in good order. They have regulatory powers, giving instructions to their subordinates and setting the rules of conduct in their ministry, executing the hierarchical power over all officials, giving them orders and imposing sanctions, etc.

As mentioned above, as a member of the government, the Minister has political power and as head of the ministry, he exercises administrative powers. In recent times, there is a tendency to attribute political leadership to the minister, and the operative administration -- to the general secretary of the ministry. In most Western States, the change of minister

does not lead to essential changes in the ministry's structure. For example, in the UK, only political deputy ministers (state ministers and political advisers) leave office together with the minister.

Therefore, the true management of the ministry is carried out by the general secretary, who, unlike the minister, is usually appointed by competition or examination, on the basis of professionalism, from among the career officials. The general secretary is a specialist in the specific field of administration, he exercises exclusively administrative functions and is free from certain political obligations. He ensures the stability of the functioning and the continuity of the ministry's leadership, especially if ministers change frequently. The idea of setting up such a position arose over three decades ago due to the need to ensure continuity in the leadership of a ministerial administration based on the premise that ministers „come and go", and at the management level there must be a person who knows the evolution of the activity, but especially the legislative initiatives started from the respective ministry [3, p.222].

Although the organization of ministries differs from one country to another, we can nevertheless highlight some common elements: cabinet, internal subdivisions, councils, inspections, territorial services. The cabinet of the minister consists of officials personally elected by the minister on the basis of personal trust, "advisers, whose destiny is linked to that of the minister and whose function lasts as long as that of the minister, the cabinet representing the junction between administration and politics" [3, p.219]. Ministries operate on the basis of the principle of one-person leadership, but in many states, in addition to the minister, the college of the ministry functions as an advisory body. The composition of the college is approved either by the government or by the minister. The colleges consist mainly of the Minister, his deputies, the heads of the main subdivisions and, in some cases, representatives of civil society.

The college meets to discuss important issues related to the activity of the ministry. The decision of the college has an advisory role, and not a binding one. In general, the decisions of the colleges acquire legal force through the act issued by the minister. Although they are advisory bodies, the role of ministerial colleges is significant because they help to avoid making superficial or wrong decisions, and they can prevent excess or abuse of power. The importance of the college is also reflected in the fact that through it the principle of democracy finds expression, being taken into account the opinions of several people. The management of a public authority cannot be assumed by a single body, whether single-person or collegial. It is a complex process, which integrates the functions and activities carried out by several responsible actors, which can be of the same nature. This principle should be understood and applied as a dimension of the process of genuine modernization of public administration. This does not mean reducing the responsibility and, above all, the authority of the one who leads and represents a public institution. It is a balanced combination of the principle of hierarchy with that of democratization in the administration and in the exercise of public functions and dignities. And we believe that the assertion is valid, with certain nuances, also in the private environment [22, p.57].

For each ministry it is specific that functions are distributed among various internal structures: directorates, departments, sections, etc. All internal subdivisions are subject to the Ministry's management (general secretary, cabinet) and only then to the Minister, the principle of hierarchical subordination being present. Each structural element has certain

attributions. The competence of the Ministry consists of the competence of its most important structures.

Within the structure of the Ministry, there are vertical, horizontal and technical services. Vertical services are intended to perform the basic functions of ministries. Horizontal (functional) services contribute to the Ministry's exercise of its basic functions. As an example, we can give the subdivisions dealing with staff issues, the budget, international collaboration, scientific research, etc. The technical services of the Ministry are the subdivisions that exercise tasks of document systematization, planning, statistics, etc. They are ministries with their own control and inspection bodies: financial inspectors, education inspectors etc. In addition to the central apparatus, some ministries may have deconcentrated public services in the territory. Depending on the nature of the tasks, some ministries may have compartments abroad in their field of activity, such as the case of the Ministries of Foreign Affairs.

Referring to the extra-ministerial administration, it should be mentioned that "the establishment of specialized central public administration bodies with other names than ministries, was determined either by the need to carry out a coordinated and unitary activity in solving specialized problems, or by the smaller volume of activity, which does not require the organization of a ministry [17, p.116]. The extra-ministerial administration includes the subordinate and autonomous public administration authorities. By subordinate administrative authorities, other than ministries, we mean those administrative authorities that are organized and function under the subordination of the ministries or of the government or, in the case of presidential republics, of the president. For example, in the Russian Federation (presidential republic) three authorities (Federal Service for Accreditation, Federal Service for Statistics, Federal Service for Intellectual Property) are organized under the Ministry of Economic Development, the Federal Tourism Agency is organized under the Government's authority, Foreign Intelligence Service is organized under the subordination of The President of the country.

In the case of the USA, which according to the form of government, is a classic presidential republic, where the government lacks in its modern sense, there are 15 main agencies / executive departments. The heads of these 15 agencies are also members of the president's cabinet. Thus, in the USA we find authorities subordinated either to the President or to the executive departments (ministries). Under the subordination of the President of the country are organized such authorities as Council of Economic Advisers, Council on Environmental Quality, National Security Council, Office of Management and Budget, Office of National Drug Control Policy, Office of Science and Technology Policy, Office of the United States Trade Representative. As example of authorities subordinated to the executive departments we can give: Administration for Children and Families, Agency for Healthcare Research and Quality subordinated to the U.S. Department of Health and Human Services, U.S. Bureau of Economic Analysis Department of Commerce, Federal Bureau of Investigation (FBI) under the U.S. Department of Justice, Office of Elementary and Secondary Education under U.S. Department of Education etc.

In Romania, which is a semi-presidential republic, specialized bodies, other than ministries, can be organized only under the subordination of the Government or ministries or as autonomous administrative authorities.

Administrative authorities subordinated to the government or the ministry may have various names, as specified by the national law of each state. For example, in the

Republic of Moldova, the Law on specialized central public administration, no. 98 of 04-05-2012, establishes in art.14 paragraph (1) that „In order to ensure the implementation of the state policy in certain sub-fields or spheres within the fields of activity entrusted to a ministry, administrative authorities can be created under its authority in the form of legal organization of agencies, state services and state inspectorates".

Thus, the Agency is a separate organizational structure in the administrative system of a ministry, which is set up to exercise the management functions of certain sub-domains or spheres in the fields of activity of the ministry. The state service is a separate organizational structure in the administrative system of a ministry, which is established for the provision of public administrative services (state registration, issuance of documents necessary for the initiation and / or conduct of business in other fields). The state inspectorate is a separate organizational structure in the administrative system of a ministry, which is established for the exercise of state supervision and control functions in subdomains or spheres of the ministry's fields of activity. The heads of the public administration authorities subordinated to the ministries are usually appointed and dismissed by the ministers, and the heads of the administrative authorities subordinated to the government are appointed and released by the government. The legal status of these authorities is determined by the framework law and government decisions approving the regulations on the organization and functioning. In each national system of public administration, the sphere of the specialized central administration includes also certain authorities that are not subordinated to the Government, forming the sphere of "independent agencies" according to a phrase specific to the Anglo-Saxon doctrine [3, p.220].

As for the autonomous administrative authorities, their genesis is on the North American continent, in 1887 a legislative act (Interstate Commerce Act) of the United States Congress was drafted for the first time by which normative powers were delegated in favor of a federal commission. The Commission was called the Interstate Commerce Commission and subsequently acquired the task of overseeing the implementation of its own regulations. ... For the Europe of reference remains the eighth decade, when the emergence of autonomous authorities was justified by the need to remove from the competence of public administration those activities that had a technical character and a complexity that required special specialization and professional expertise [15, p. 988]. The circle and the name of the autonomous administrative authorities differ from state to state, being determined not only by the needs of social life, but also by the geopolitical development tendencies of the states. Thus, the creation of the European Union has led to the establishment of several autonomous authorities in the Member States of the Union. For example, for Romania, which became a full member on 1 January 2007, the phenomenon of legislative and institutional harmonization began in 2000, so that "the Romanian administrative system was enriched by the need to transpose the rules belonging to another legal system (of the European Union) and adopted not only new legal standards, but also administrative institutions" [20, p.155-164].

The doctrine states that „the spread of agencies within the EU has been approached mainly from the perspective of European integration. It was found that they offer an alternative to political integration, through technical specialization and neutrality in the decision-making process, while ensuring transparency, increasing the coherence of public policies and the credibility of the administration to the general public" [21, p.83].

States in the process of EU integration have been obliged to transpose the acquis communautaire into their own legislation and to adapt their institutional practices to the requirements of the supranational organization. However, legacy and institutional harmonization should not be achieved anyway. Although there is an objective need for legislative harmonization and coherent implementation of standards on a larger scale than the national one, the constitutional assimilation of agencies (autonomous administrative authorities) is largely based on their adequacy to the pre-existing institutional structures of that state. [21, p.95].

As a common element between the autonomous authorities and ministries or other authorities subordinated to the Government or ministries is the fact that it carries out an executive activity having as object the organization of the application and the concrete implementation of the laws. At the same time, the autonomous administrative authorities have some specific features. An important feature of these authorities is that they have autonomy, a status that excludes the existence of a subordination to the Government or ministry. The fact that the autonomous authorities do not have hierarchically superior bodies does not mean that they have absolute independence and are not subject to any control. First of all, the content of any autonomy is bounded / restricted by law. Secondly, in the case of the autonomous authorities there is a certain dependence on Parliament. This dependence is manifested by the appointment and dismissal of the leadership of the autonomous administrative authorities by the Parliament. In addition, these authorities usually report annually, or at the request of Parliament, on how they operate. Starting from the importance and autonomous character of activity, the establishment, organization and functioning of these authorities is done by organic law. For example, the Romanian Constitution expressly establishes in art.117 paragraph (3), the principle according to which "autonomous administrative authorities may be established by organic law". Art.70 of the Romanian Administrative Code takes over the constitutional principle stating that „the establishment and dismantling of autonomous administrative authorities is done by organic law". For example, we list among the autonomous administrative authorities of Romania: The Supreme Council of National Defense, The National Bank of Romania, The National Audiovisual Council, The Romanian Intelligence Service, The Foreign Intelligence Service, The Protection and Guard Service, The National Integrity Agency and so on.

In Romania, autonomous administrative authorities can be classified into several categories, depending on their object of activity and the purpose of this activity, as follows: synthesis bodies, such as, for example, the National Authority for the Supervision of Personal Data Processing; coordinating bodies, such as the Supreme Council of National Defense, control bodies, such as the Court of Accounts, the National Integrity Agency [15, p.1001]. In the United States, there are currently 67 autonomous administrative authorities, generically called Independent Agencies. These agencies are not represented in the cabinet and are not part of the President's Executive Office. They deal with government operations, the economy, and regulatory oversight. As example of such agencies we can give: Central Intelligence Agency, Federal Trade Commission, General Services Administration, National Aeronautics and Space Administration, National Labor Relations Board, National Mediation Board, Peace Corps etc. In the United Kingdom, there are also several autonomous administrative authorities, set up to exercise administrative powers in a wide range of areas of social life, which have very broad functions, with a complex structure and

essential autonomy, such as fi Bank of England, various services (The Security Service, MI5, is responsible for protecting the UK against threats to national security, The Secret Intelligence Service, often known as MI6, collects Britain's foreign intelligence; The Insolvency Service etc.), committees (Advisory Committee on Releases to the Environment, Committee on Standards in Public Life), councils (Arts Council England, British Council), commissions (Commission for Countering Extremism, The Electoral Commission), agencies (Driver & Vehicle Licensing Agency, Environment Agency) offices (Office for Nuclear Regulation), institutions (National Institute for Health and Care Excellence) etc.

The autonomous administrative authorities of the United Kingdom have the following common features:

- all authorities, although different in name, organization and functioning, are legal persons governed by public law, with special competence and significant administrative-legal and financial autonomy;
- these agencies employ not only civil servants but also other persons, who exercise duties on a public basis. For example, Arts Council England, Arts Council of Wales, Arts Council of Northern Ireland, Arts and Humanities Research Council include the representatives of art people; Teachers' Council include professors from various institutions.
- all agencies, which number more than a thousand in the UK, are active employers, providing over 80% of the total number of civil servants in the country with jobs [1, p.173].

The competence conferred by law on specialized central public administration authorities is reflected in several forms of activity. These are, on the one hand, various material and administrative facts and operations, and on the other, legal acts understood as concrete manifestations of the legal will by which rights and obligations are born, modified or extinguished [15, p.1005].

As an example of an administrative operation, provided by the constitutions of several states (France, Romania, the Republic of Moldova, etc.), we can give the counter-signature of government acts by the ministers who have the obligation to execute them.

As for the legal acts of the specialized central administration, their title differs from state to state, having forms of orders, decisions, instructions, regulations, rules etc. Moreover, even within a State, the names of acts may differ from one authority to another, if there are no detailed regulations that would determine the use of unitary terminology in this regard. The administrative acts that are issued by the ministries and other specialized central administrative authorities in order to accomplish their mission and to fulfill their functions, may have a normative or individual character.

## Conclusion

The administrative acts issued by the specialized central public administration are subject to the control of legality exercised by the administrative contentious courts, starting from the right of the injured person by a public authority, provided by several constitutions of democratic States, according to which the person injured in a right of his own by a public authority, by an administrative act or by not resolving a request within the legal period, is entitled to obtain the recognition of the claimed right, the annulment of the act and the compensation for the damage.

In conclusion, we note that, from the point of view of its establishment, in all states the specialized central public administration authorities are appointed authorities. By their nature, or mode of activity, these authorities are unipersonal, although in many States within these authorities there are also certain elements of collegial leadership. From the point of view of territorial competence, they are central authorities that exercise their attributions on the entire territory of the state, including through deconcentrated public services. From the point of view of material competence, these authorities operate in a certain field or branch of activity, some authorities even having an inter-branch competence.

We can also conclude that we do not currently have a single model of specialized central administration, which would be applicable to all states. The legal status of ministries and other specialized central administrative authorities is governed by laws or acts subordinate to laws. The constitutions of contemporary States, as a rule, do not contain detailed regulations on the ministerial and extra-ministerial administration, as this is an area very often subject to change.

In any state, the system of ministries and other specialized central authorities, subordinate or autonomous, their number, mode of formation, organization and functioning is determined by a number of factors, such as: form of government, level of economic development, complexity of the tasks of the public administration at some point in time, the priorities that each government has set in the political program, the geographical situation of the country, historical traditions, etc.

## References:

1. Alexandru I., Cărăușan M., Bucur S., Drept administrativ, ed. a III-a revizuită și adăugită, Ed. Universul Juridic, București, 2009.
2. Apostol Tofan D., Drept administrativ, Vol.I, Ediția 5, Editura C.H.Beck, București, 2020.
3. Apostol Tofan D., Instituții administrative autonome, Editura C. H. Beck, București, 2006.
4. www.codex.just.ro
5. Codul administrativ al României, aprobat prin Ordonanța de Urgență, nr.57 din 03.07.2019. Publicat în Monitorul Oficial al României, nr. 555 din 5 iulie 2019.
6. Constituția României din 21.11.1991. Republicată în: Monitorul Oficial al României, nr.767 din 31 octombrie 2003.
7. Coman Kund L., Administrația publică de nivel intemediar în dreptul comparat și în dreptul românesc, EDP, București, 2005.
8. Coman Kund L., Sisteme administrative europene, ediția a 2-a, Casa de Presă și Editură „Tribuna", Sibiu, 2003.
9. Iorgovan A. Tratat de drept administrativ. Vol.I, ediția a III-a, editura Allbeck, București, 2001.
10. Legea Republicii Moldova privind administrația publică centrală de specialitate, nr.98 din 04.05.2012. Publicată în Monitorul Oficial al Republicii Moldova din 03.08.2012, nr. 160-164 art. 537.
11. Legea Republicii Moldova cu privire la guvern, nr.136 din 07-07-2017. Publicată în Monitorul Oficial al Republicii Moldova, nr. 252 art. 412 din 19.07.2017.
12. Muraru I., Tănăsescu E.S. Constituția României. Comentariu pe articole, ed.2, ed. C. H. Beck, București, 2019.
13. Petrescu R. N. Drept administrativ. Ediție revăzută și adăugită, Editura Cordial Lex, Cluj Napoca 2001.
14. Petrescu R.N., Drept administrativ. Editura Hamangiu, București, 2009.
15. Săraru C.-S., Drept administrativ. Probleme fundamentale ale dreptului public, Editura C.H.Beck, București, 2016.

16. Tănăsescu E. S., Le role des autorites administratives independantes dans les transitions democratiques, p.161, in Romanian Journal of Comparative Law, nr.2/2015, p.155-164.
17. Tănăsescu E. S., The impact of accountability agencies on the EU, în B. Iancu, E.-S. Tănăsescu (eds.), Governance and Constitutionalism, Routledge, London and NewYork, 2019, p.83-96.
18. Vedinaș V., Codul administrativ adnotat, Ediția a II-a, Ed. Universul juridic, București, 2020.
19. Vida I., Vida I.C., Puterea executivă și administrația publică, ed. a II-a, Editura Cordial Lex, Cluj Napoca, 2012.

Official pages of the governments and specialized central public administration in some states:
https://www.regjeringen.no/
https://www.bundesregierung.de/
https://www.governo.it/
https://www.gouvernement.fr/
https://gov.md/
https://www.gov.ro/
https://www.usa.gov/
https://www.gov.bg/
https://pm.gc.ca/en/cabinet
http://government.ru/
https://www.gov.uk/