

# § 10 Administrative bodies and competences

## I. Public administration on Land level, local level and federal level

### 1) The execution of Land law

- always by and in the responsibility of the Land
- administrative structure and procedure regulated by Land law
- many *tasks delegated to the counties and communes* (with functional supervision by the Land)

### 2) The execution of federal law

- a) *generally by the Länder, in their own right and responsibility* (art. 83)
  - administrative structure and procedure in principle regulated by Land law (cf. art. 84(1) BL)
  - many *tasks delegated to the counties and communes*
- b) *in some cases by the Länder in federal commission* [Bundesauftragsverwaltung] (art. 85 BL)
  - in these cases, often the admin. structure is regulated by federal law with consent of the Bundesrat
- c) *in some cases by federal administrative authorities*
  - e.g. Federal Police, Federal Criminal Police Office, Federal Defence Administration, Foreign Service

### 3) The execution of European Union law

- same distribution of competences as if it was German law (art. 84 et seq. BL applied analogously)

### 4) Local self-government

- local self-government a *constitutional right* of the communes and counties (art. 28(2) BL)
  - defensible by legal action before the administrative court and constitutional complaint (against laws) before the Federal Constitutional Court (art. 93(1) no. 4b BL)
  - includes guarantee of the formal and material (also financial...) preconditions of local self-government
- *comprehensive jurisdiction of the communes for all affairs specific to the local community*
  - incl. territorial jurisdiction, right to self-organisation, financial autonomy, planning autonomy (→ land use planning), own regulatory power (by-laws, regulations) and autonomy to cooperate with others
- only *legal supervision*, no functional supervision by the state (control of legality, not of expediency of self-governing activities)

## II. Federal administrative bodies

- federal ministries, central federal authorities and federal corporations and institutions
- only *in few cases* (e.g. Federal Police) federal authorities *with own admin. substructures* (supreme and higher federal authorities, intermediate and lower federal authorities, art. 87 BL)

## III. Land administrative bodies

- general and specialised Land authorities
- traditionally 3 levels of Land authorities
  - Land ministries & other central authorities, regional Land authorities [Bezirksregierungen, Regierungspräsidenten] (eliminated in some Länder) and local authorities

## IV. Local government bodies

- communes
  - after comprehensive territorial reforms in the 1970s usually performant
  - often voluntarily united in general associations of several communes with own institutions for better performance
- counties [Landkreise]
- special: REGION HANNOVER (legal merger of several counties & a Land capital city to a new regional collectivity)