

The image shows the exterior of a grand, multi-story building with a stone facade and arched windows. In the foreground, three flagpoles stand tall, flying the Bulgarian national flag, the European Union flag, and another flag. Above the main entrance, a blue sign with gold lettering reads "РЕПУБЛИКА БЪЛГАРИЯ" and "МИНИСТЕРСКИ СЪВЕТ". A coat of arms is visible above the sign.

**ADMINISTRATION OF THE
COUNCIL OF MINISTERS
IN THE REPUBLIC OF
BULGARIA**

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INTRODUCTION

The modern democratic state was built on the principle of separation of powers, the classical concept of which was developed by Montesquieu in the 17th century. His idea that power should restrain power leads to the division of single state power into three basic material power functions in which it occurs - legislative, executive and judiciary. In order to ensure moderate governance in the state, the implementation of each of these power functions is commissioned to a separate body. Thus, in the Republic of Bulgaria the holder of the legislative power is the parliament, of the executive power - the Council of Ministers (the government), and of the judicial power – the court, the prosecutor's office and the investigation department.

INTRODUCTION

The executive power has an extremely wide range of content, assuming that it includes all state functions that do not fall within the scope of the legislative and the judicial power.

Practically, according to Barthelemy, it provides “through spontaneous and constant intervention the very life of the state” (quoted in Spasov, 2001). All this reveals the key role of the executive and its holder – the government, for the implementation of public administration, whose efficiency and effectiveness is ensured by the administration of the Council of Ministers.

METHODOLOGY

The systematic and the comparative-legal method were used in the research. *The systematic method* reveals the interrelation and the interaction between the analyzed positions in the government administration in the current Bulgarian legislation. Whereas the *comparative legal method* presents best practices in foreign countries and achievements in various foreign jurisdictions in the legal framework of the Institute of State office.

THE CONCEPT “ADMINISTRATION”

Very often in the legal literature and legislation the terms "executive power" and “administration” are used interchangeably.

However, administration exists not only in the public sector, but also in the private sphere of social life (for example, business administration). The characteristic for distinguishing administration as a synonym of executive power from corporate administration is its authoritative character. It is expressed in the fact that the acts of the state administration are legally obligatory for all legal entities that are their addressees.

THE CONCEPT “ADMINISTRATION”

In addition, the acts of the executive power regulate law public relations, ie. such in which one party is always a state body and accordingly the method of legal regulation of these relations is the authoritarian one, i.e. the method of subordination (of authority and subordination).

In the modern constitutional literature, a distinction is made between the terms “executive power” and “administration”, which has its beginning in the middle of the 19th century.

THE CONCEPT “ADMINISTRATION”

The current activity of the government and the preparation for its meetings is provided by the administration of the Council of Ministers. It is chaired by the Prime Minister, and the Secretary General of the Government provides its administrative management. As a legal entity, it is represented by the Prime Minister or by officials authorized by him. The main issues related to the operation and organization of the work of government and to the structure and functions of its administration have been settled in the Rules of Procedure of the Council of Ministers and its Administration (RPCMA, 2009).

STRUCTURE AND FUNCTIONS OF THE ADMINISTRATION OF THE COUNCIL OF MINISTERS

In exercising its powers, the government is assisted by an appropriate administration, which at the same time coordinates the activities of the central and territorial administrations of the executive power. The Administration of the Council of Ministers is organized in directorates of general administration and directorates of specialized administration and other administrative units and individual positions in accordance with Appendix № 3 of RPCMA (2009). The Prime Minister, upon a proposal from the Secretary General, may establish departments and divisions in the directorates. The official correspondence of the administration of the Council of Ministers is signed by the Secretary General or by a head of a directorate and is sealed with the official seal of the Council of Ministers.

ORGANIZATION OF THE WORK IN THE ADMINISTRATION OF THE COUNCIL OF MINISTERS

In fulfillment of the functions and the set specific tasks the administrative units in the administration of the Council of Ministers provide opinions, reports, analyzes, programs, concepts, positions, information, memoranda, drafts of decisions on specific issues, internal acts, drafts of normative acts and other documents. The head of the administrative unit, who has prepared and coordinated the respective document, must sign or initial it before submitting it for signature by the Prime Minister, Deputy Prime Minister, Secretary General or Director of a Directorate.

ORGANIZATION OF THE WORK IN THE ADMINISTRATION OF THE COUNCIL OF MINISTERS

The general control over the implementation of the set tasks is carried out by the Secretary General. The heads of the administrative units exercise overall control over the activity of the unit, as well as over the implementation of the tasks arising from their functional competence.

POSITIONS IN THE GOVERNMENT ADMINISTRATION

Administration activity is carried out by civil servants and persons, employed under employment relationships. Civil servants, as well as persons working under employment relationships, hold positions in the administration, the names of which are determined by the Classifier of Positions in the Administration (CPA, 2012). A position in the administration is a statutory defined position, which is occupied officially or in employment relationship on the basis of certain requirements and criteria, it is related to a specific type of activity of the person who holds it, and is expressed in a system of functions, obligations and requirements, approved with a job description.

POSITIONS IN THE GOVERNMENT ADMINISTRATION

Civil servants occupy different places in the hierarchy of the state administrative apparatus. A civil servant is a person who, by virtue of an administrative act for appointment, holds a paid full-time position in the state administration and assists a body of state power in the exercise of his/her powers (CSA, 1999). The managerial staff manages, controls and coordinates the administrative unit and is responsible for its work. The experts perform a service that supports the implementation of the functions of state power. There are different criteria for classifying civil servants in different countries. In most countries, employees are divided according to whether their status is governed by general or specific law.

REQUIREMENTS FOR HOLDING A CIVIL SERVICE

The basic requirements for holding a position in the administration are determined by law, and additional requirements may be determined by the structural regulations of the respective administration. Civil servants hold positions in the administration by official legal relationship. It is a type of administrative legal relationship for the performance of civil service, which arises between the state and the civil servant on the basis of an act for appointment of the civil servant, issued by the appointing authority in the respective administration.

REQUIREMENTS FOR HOLDING A CIVIL SERVICE

The emergence of the employment relationship is related to the existence of statutory requirements for entering the civil service. The requirements for appointment are regulated in the Civil Servant Act (CSA, 1999). The laws of all Member States contain provisions related to the terms and conditions for entry into public service. Typically, these provisions are included in separate parts or sections of the civil service law, as well as additional specific requirements, included in bylaws. The civil service is regulated mainly by laws and by-laws, which exclude contract relations.

REQUIREMENTS FOR HOLDING A CIVIL SERVICE

The emergence of the employment relationship is a procedure in which the person who has won the competition for the relevant civil service is appointed to a position by the appointing authority. The appointment of any civil servant is made through competition based on professional qualities. The purpose of the competition as a method of selection is to determine whether the candidate for the position will be able to perform it, i.e. whether he/she has the necessary competencies for the position. In most countries, civil servants are recruited through a competitive procedure. The selection is carried out according to the professional qualification, achievement in the specialty, regardless of gender, origin, race, religion, religious and political views, place of birth. Civil servants are appointed by the appointing authority and the laws of most countries in Europe require taking oath, certificated with signing the oath sheet.

REQUIREMENTS FOR HOLDING THE MAIN POSITIONS IN THE ADMINISTRATION OF THE COUNCIL OF MINISTERS

The total number of employees in the administration of the Council of Ministers and its distribution by administrative units listed in Annex № 3 of RPCMA (2009). The work schedule of the government administration shall be approved by the Prime Minister on the proposal of the Secretary General. It sets out specific positions, which will be used in the administration, in compliance with the provisions of CPA (2012), an Ordinance for Application of the Classifier of the Positions in the Administration (OACPA, 2012) and the specific requirements set by RPCMA (2009).

CONCLUSION

Bulgarian legislation comprehensively regulates the structure and functioning of the administration of the Council of Ministers, as well as the status of civil servants, working in it. Observance of its norms is a guarantee for publicity and transparency in the activity of the government administration. In this regard, the role of the employees in the respective administration is extremely important, as it has been proven that they must have the necessary competencies to work in the state administration and to perform the specific position. It is from the good professionals that the attitude depends, as well as the increase of the citizens' trust in the administration. This, on the other hand, it is related to the quality of the best administrative service, eliminating negative phenomena as bureaucracy, slowness, negligence, incompetence and others.

THANKS!