

**Maria Neykova**

Assoc. Prof. Dr., Faculty of Law, Burgas Free University

## **Changes in the administrative procedure code and principles of the complex administrative servicing**

### **S u m m a r y**

This report is aimed at studying legislative changes relating to the introduction of the provision of complex administrative services to citizens.

**Keywords:** Complex Administrative Servicing, Administration, Administrative Services, Administrative Procedure Code (APC)

While only 10% of Bulgaria's population in 2016 used the Internet to communicate with the administration, nearly 90% of the population of Estonia took advantage of the integrated electronically provided administrative services, having electronic ID cards by which they participate in the procedure for electronic voting and apply for electronic services. This puts Bulgaria among the last places out of the EU member states using the internet to communicate with the administration. It is not disputed that the future of communication between citizens and administrations will be based on information and communication technologies (ICT) without the need for physical contact between the parties. However, there is still a significant number of people without adequate computer literacy both among citizens and businesses and in administrations, which does not allow the administrative services to be provided entirely by electronic means. This is stated in the Report on Administrative services provided to citizens in Bulgaria.

After the repeal of the Administrative Services to Individuals and Legal Entities Act in 2006, there were no texts in the Administrative Procedure Code (APC) concerning the administrative servicing. By amending the APC, a new Art. 13a was created to obligate administrative authorities to apply the complex administrative servicing in providing administrative services to citizens. Based on the amendments in the Administrative Procedure Code of 2014, the complex servicing legal principles were, among other issues, laid down for the first time, namely: automatic collection of evidence by the administrative authority, provision of administrative services through various channels, as well as automation of processes for providing administrative services.

There were also stipulated the regulatory bodies that can provide complex administrative servicing, namely: administrative bodies, persons performing public functions, and organizations providing public services. Complex administrative servicing is such a servicing where the administrative service is provided by administrative bodies, by persons performing public functions, or by organizations providing public services, without requiring the applicant to provide information or evidence for which there are already data available, collected or created by the primary data controller performing the administrative service, irrespective of whether these data are maintained in electronic form or on paper. This means that public service providers are obligated to provide complex servicing and have the right to access data created or maintained by other authorities. The Ordinance on the administrative servicing stipulates the regulatory ways to apply for those services and respectively to get the individual administrative act, namely: by electronic means, through a licensed postal operator, via fax or otherwise, as notified by the body for being technically possible. Requests for the complex administrative servicing to the administrative bodies and the attachments thereto may be submitted electronically, through a licensed postal operator, via fax or otherwise, as notified by the body for being technically possible, and the individual admin-

istrative act should be obtained at the place where the application was submitted, at the exact address indicated in the application, in the case that a receipt through a licensed postal operator or by electronic means has been requested. The complex administrative servicing is aimed at facilitating the access to administrative services, reducing costs and deadlines for the administrative servicing, assuring its orientation to the needs of citizens and organizations, as well as reducing administrative burdens.

For this purpose, the integration and effective cooperation between administrations at central and local levels are required, where it is necessary to provide a specific administrative service. On the one hand, this requires a change in responsibilities and organization of work processes, and on the other hand, it is associated with the improvement of the administrative culture of both employees and their managers. But instead, the Report on the basic model of complex administrative servicing in 2013 showed that in terms of integration the administration has not achieved substantial progress: „The integration<sup>1</sup> and coordination between different administrative structures in providing services is weak. It was found that each administration provides its administrative services relatively independently. Actually, there are very few examples of complex provision of administrative services. All this shows how difficult is the integration and coordination of the work between different administrations regarding the provision of administrative services“.

One important<sup>2</sup> stage in the process of introducing the complex administrative servicing is the creation of service centers where, at the one and the same place, services from different administrations may be requested. The possibility of establishing centers for complex administrative servicing is laid down in the Administration Act, the Public Administration Development Strategy and the Roadmap to the strategy. Centers should be involved in providing in one place services from many administrations and public service providers. The creation of the above would provide solutions to some of the main problems relating to the administrative servicing in the country, namely: the territorial remoteness of some of the administrations from the users of their services, the need for service users to provide information already available in the registers kept by other administrations, the lack of standardized procedures, deadlines and documents in the process of providing certain services by the municipal administrations and by the territorial central administration units, as well as the low usage of the announced electronic administrative services.

The Public Administration Development Strategy of 2014 showed that, despite available technological options, still no centers were established, where one can obtain a service for which another administration is responsible. The report also

<sup>1</sup> Basic Model of Complex Administrative Servicing.

<sup>2</sup> Report on the Administrative services provided to citizens in Bulgaria, Sofia, 2015.

cited data from the Administration status report for 2012, according to which only the National Revenue Agency and the Agency for Geodesy, Cartography and Cadastre have created the opportunity for filing applications, appeals and protests, warnings and proposals to them through the municipal administrations. This indicates the low level of interaction within the state administration, and it makes people feeling like no unity of government exists. To solve this problem it is necessary to introduce a new approach to the provision of services in one place by more than one administration, by allowing the establishment of unitary centers to provide services by regional and municipal administrations, central administration territorial units, and other public institutions. It is necessary to create at territorial level centers for the provision of information and services to citizens by both the municipalities and the regional offices of central government. The creation of such centers is provided for in the E-Governance Development Strategy in the Republic of Bulgaria 2014–2020, where the creation of single points for service provision is seen as a way to increase the use of e-services, as this will increase the access points thereto, will increase users awareness, and at the same time, will reduce the administrative services cost. The Government Programme for Sustainable Development of Bulgaria for the period 2014–2018 also provides for ensuring equal access to public services, by completing the plan for establishing Bulgarian Posts offices as external offices of the Bulgarian e-governance system, etc. Unfortunately, to date there are only good intentions in this respect. Instead, at that level a highly centralized provision of administrative services could be observed in Bulgaria, which requires users from smaller settlements to travel to municipal centers where municipal services are concentrated. With the exception of a few services relating to civil status, the outstanding range of more than 170 municipal services can only be requested in the respective municipal center. Services provided by the central administration are mainly requested at district level, and some of these services even at regional level.

In accordance with the APC, the Ordinance on the administrative servicing lays down the ways to request complex administrative services – by electronic means, through a licensed postal operator, via fax or otherwise, as notified by the body for being technically possible, as well as the ways to get the individual administrative act – either at the place where the application was submitted, or at the exact address indicated in the request, in the case that a receipt through a licensed postal operator or by electronic means has been requested, in compliance with the provisions of the Ordinance on the electronic administrative services. The interaction between administrative bodies in the provision of complex administrative servicing is also provided for, the procedure to submit the application for the complex administrative servicing is set out, an opportunity is provided to submit the application to any of the bodies involved in the complex administrative servicing, a ban is introduced on the request of already available information

or evidence, a deadline is determined to carry out the complex administrative servicing, and it is also specified who will bear the cost of sending the individual administrative act.

The obvious conclusion is as follows: The legal and normative basis for the complex administrative servicing in Bulgaria was laid down, however, a well-developed national infrastructure, including systems and components to support the e-government development, is missing. The creation of legislative and infrastructure frameworks, the ban on the request of documents and information from citizens where the same have already been collected by the same or another administration, the exchange free of charge of data and information through official channels, and the interoperability between information systems and registers, and most importantly, the existence of political will, are critical in introducing the complex administrative servicing in Bulgaria.

## References:

Administrative Procedure Code.

Basic Model of Complex Administrative Servicing.

Administration status reports for the years 2012, 2013, 2014, 2015.

Law on Electronic Governance.

Law amending and supplementing the Administrative Procedure Code, State Gazette, issue 27 of 2014, in force from 25.03.2014.

Website [ec.europa.eu/eurostat/statistics](http://ec.europa.eu/eurostat/statistics), as of 11.04.2015, administered by the European Statistical Office (Eurostat).

Website [ec.europa.eu/internal\\_market/eu-go/index\\_en.htm](http://ec.europa.eu/internal_market/eu-go/index_en.htm)., administered by the European Commission.

Website [www.eesti.ee/est/](http://www.eesti.ee/est/), as of 15.04.2015, administered by the Estonian Information System Authority.

Ordinance on the administrative servicing.

Ordinance on the electronic administrative services.

Government Programme for Sustainable Development of Bulgaria 2014–2020.

E-Governance Development Strategy in the Republic of Bulgaria 2014–2020.

Public Administration Development Strategy of 2014.

Report on the Administrative services provided to citizens in Bulgaria, Sofia, 2015.