§ 4 The structure of "central" government - the example of Germany (overview)

I. Two levels of "central" government in a federal state

- execution of laws by the Federation and the Länder with separate, independent administrative systems and structure and even partially different administrative law (cf. art. 30, 83 ff. BL)
- within the Länder, the activities of Land authorities (who are also state authorities) are also perceived as "central" government
- formally, the Federation and every Land each have their own administrative procedure law, however, Land law usually copies or refers to the Federal Administrative Procedure Act, with little deviations

II. The distribution of the administrative competences

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)

III. The administrative structure

1) Of the Länder
   - general and specialised Land authorities
   - traditionally 3 levels of Land authorities
     - Land ministries & other central authorities, regional Land authorities (eliminated in some Länder) and local authorities

2) Of the Federation
   - 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)

IV. The federal supervision of the execution of federal law by the Länder

- if Länder execute federal law in their own right and responsibility: federal legal supervision (art. 83, 84(4) BL)
  - on application of the Federal Government or the Land concerned, the Bundesrat [Federal Council] decides whether the Land has violated the law; its decision may be challenged before the Federal Constitutional Court

- where Länder execute federal law in federal commission: federal functional supervision
  - Länder subject to instructions from highest federal authorities, who survey legality and expediency (art. 85(3, 4) BL)