

Karol Korniak

*Bachelor Programme in Business and Administration  
Faculty of Law, Administration and Economics  
University of Wrocław*

Patryk Pojasek

*Bachelor Programme in Business and Administration  
Faculty of Law, Administration and Economics  
University of Wrocław*

## PUBLIC ADMINISTRATION IN GERMANY AND GREECE

### ADMINISTRACJA PUBLICZNA W NIEMCZECH I W GRECJI

#### **Summary**

The aim of the article is to present the systems of public administration in Germany and Greece and the main problems of functioning these two organizational systems of public administration.

#### **Keywords**

public administration, Federal Republic of Germany, Hellenic Republic, Greece, division of powers, New Public Management

#### **Streszczenie**

Niniejszy artykuł ma na celu ukazanie systemów administracji publicznej w Niemczech i w Grecji, a także najważniejszych problemów, które mają wpływ na funkcjonowanie obu systemów administracji publicznej.

#### **Słowa kluczowe**

administracja publiczna, Republika Federalna Niemiec, Republika Helleńska, Grecja, podział władzy, Nowe Zarządzanie Publiczne

## **INTRODUCTION**

In the beginning we would like to take a look at German unique political system. Germany “Deutschland” is a democratic federal parliamentary republic located in the centre of Europe (having a Chancellor and parliament). The country shares its borders with nine states and has a multi-party system in which two specific parties prevail since 1949 – CDU (Christian Democratic Union) and SPD (Social Democratic Party of Ger-

many). The main features of the German political and administrative system have been regulated in the constitution “Grundgesetz“ in 1949, then complemented by minor revisions after the German reunification in 1990. The Constitution most essence tells about the separation of powers, the protection of individual liberty, the human and the civil rights [Politics of Germany].

## **1. The Separation of Powers and Administrative System in Germany**

In Germany the power is divided horizontally (legislative, executive, judicial) and vertically (among the organs of Federation). The legislative branch is in the hands of the Bundestag and Bundesrat which members are chosen in a voting. Their objective is to represent the interests of society. The Bundestag consists of 709 members (data for year 2018) while the Bundesrat counts 69 representatives (data for year 2018). The executive branch belongs to the Chancellor, the Federal Cabinet, the President, the State Cabinet and the Minister. The head of the government is chosen by Bundestag in a majority vote resulting in increased importance of role in the politics in comparison to other members of the Cabinet (“Grundgesetz für die Bundesrepublik Deutschland”). There may be few rounds needed to choose the representative while each of them is based on different rules. In the first vote the representative may be proposed by the President and this is his only possibility. If there is no majority, the Bundestag has two weeks to choose a candidate and the final decision must be again supported by the majority. In case of another failure (lack of majority) the Bundestag is forced to vote instantly and if there is still not an absolute majority, the president chooses the candidate with the highest amount of votes. In case there will be no candidate chosen, he has to disband the Bundestag. The Chancellor is the state’s executive power holder. He also chooses the candidate for a Deputy Chancellor. This function is carried by a Federal Minister, in most cases the Minister of Foreign Affairs. In case of an attack the Chancellor is privileged to lead the army. The judicial privileges are being hold by the Federal Constitutional Court and the State Constitutional Court [Federal Republic of Germany, 2006].

Referring to the constitution of Germany “Grundgesetz” the judicial power is represented by judges. This group gathers the judges and prosecutors from all the Länder working on the local level and a small amount (less than 5%) of judges working on the federal level. The “Bundesverfassungsgericht” has 8 members in its setup. Half of the representatives are chosen by “Bundesrat” and the others by “Bundestag”. The chosen judges serve the state for a period of 12 years and cannot be chosen again [Federal Republic of Germany, 2006]. The highest in priority jurisdictional organ is the “Bundesverfassungsgericht” which has independence in reference to other political organs men-

tioned in “Grundgesetz”. This organ is superior to all other organs of this state and its decisions take effect upon all. Its role is also to provide clarity and cohesion in the German Law by supervising if the federal, state laws and all parties are in accord with the constitution. Common courts deal with criminal matters and civil matters. In case of civil proceedings people may refer to the local or regional court [Federal Republic of Germany, 2006].

Germany covers 357 376 km<sup>2</sup> area in total and has 82,67 mln inhabitants (statistics for 2018). In the German administration system we distinguish 16 states (Länder) which have been merged into a Federal Republic: Baden-Württemberg (since 1952), Bavaria (since 1942), Berlin (since 1990), Brandenburg (since 1990), Bremen, Hamburg, Hesse, Lower Saxony, Mecklenburg-Vorpommern (since 1990), North Rhine-Westphalia, Rhineland-Palatinate, Saarland (since 1957), Saxony (since 1990), Saxony-Anhalt (since 1990), Schleswig-Holstein and Thuringia (since 1990) [States of Germany]. There is also a categorization in the political levels. There are four different administration levels based on the competences and the area of influence of each. First of them is the federal level which carries influence on the whole area of the Federation as a nation state. The second is the Länder level which we talk about when a decision is binding for a Land or more but not the whole Federation. The third administration level covers the influence of the districts and towns which do not belong to any of them. The fourth level is the local level which includes the administration and politics of towns and municipalities [Federal Republic of Germany, 2006].

## 2. The Federal Level of Administration in Germany

Now, we would like to take a look on the federal level of administration in Germany. Supreme bodies of the Federation are: The Federal Parliament (Bundestag), the Federal Council (Bundesrat), the President of the Federation (Bundespräsident) and the Federal Government (Bundesregierung). In addition, federal authorities are the federal courts (Bundesgerichte), as well as the Federal Bundesverwaltung. The Federal Parliament is made up of 778 members, with a four-year mandate. It is a decisive for the legislative process, federal body. The Bundesrat competences and law making features are limited to the ones described by the Basic Law “Grundgesetz”. Its competences in the legislative branch are divided in such categories as:

1. exclusive legislation of the Federation – it concerns exclusive competence of the Federation and including areas of law that must be regulated in a single way for all Länder. This is especially true of external issues defense policy, defense, border protection, monetary policy as well as air transport,

2. competitive legislation – the federal states may issue laws as long as the Federation does not regulate these fields on its own. This category includes civil, criminal, economic, labor-law, and law, as well as areas of law relating to the housing, road traffic, waste management, atmospheric pollution and noise control,
3. legislation/framework of the Federation (Guiding) – the Federation is limited to general guiding principles. This category includes areas such as spatial planning, protecting the environment and the landscape, as well as the management of water resources [Federal Republic of Germany].

On the federal level there is an office of the President of the Federation (Bundespräsident). The structure of a federal state requires the existence of a state body, which on the one hand will take care of the interests of the Länder in the federal and legislative decisions of the Federation and on the other hand, act as a mediator [The President in Germany].

On the federal level functions the Federal Council (Bundesrat). As a central federation organ, it essentially implements the representation of the States and guarantees their influence in the Federation balancing against the Federal Parliament. It participates in the legislative process and the administrative policy of the Federation. It is made up of 69 members of the governments of States, with a representation commensurate based on the population size of each federal state [Bundesrat of Germany].

There is also the Federal Government (Bundesregierung) and the Federal Administration (Bundsverwaltung). The Federal Government (Kabinet) has its power in the branch of state administration. As a political governing body it manages the states and policy cases for which the Federation is responsible. It is important to underline that these are mainly cases referring to the defense and monetary policy. The Federal Government is made up of the Federal Chancellor (Bundeskanzler) and the Federal Ministers (Bundesminister), who are appointed on a proposal by the Chancellor, by the President of the Federation. The federal government is a collective body in which the Chancellor holds a prominence place due to his responsibilities and privileges. The article 63 of the German Constitution tells about the process of choosing a Chancellor. The Federal Ministers run autonomously and under their own responsibility within the governmental directions. The Minister is responsible at the federal level for matters of spatial planning, traffic, building and housing. The Federal Government exercises control over the Federal Administration (Bundsverwaltung) [Das Grundgesetz].

According to the federal principle administrative objects are subjects between the Federation and the Länder. Within this statement the following forms of administration are distinguished: federal government mandated by the Federation, federal administration

and pure federal administration. Pure federal administration is limited in relation to the federal administration to only a few areas [Ulrich, 2003]. Its structure is following:

1. highest federal agencies – these are the administrative organs such as the Federal President (Bundespräsidialamt), the Federal Chancellor (Bundeskanzleramt), as well as the individual Federal Ministers (Bundesministerien). This category also includes the Federal Audit Office Congress and the Press Office of the Federal Government,
2. higher federal agencies – these are autonomous central organs managing territory of the Federal Republic,
3. medium federal agencies – their competence include only one particular branch. Significant organs such as the Senior Finance Directorate, individual military sectors, as well as the Directorates of Water and Shipping.

### **3. Land Administration (“Länder Administration”)**

Each of the 16 Länder has its own Constitution and clearly assigned terrain. It is also an autonomous political entity, with its own government and administration, as well as its own courts.

### **4. The Management and Planning System in Germany**

The federal states are required to exercise their responsibilities on the basis of the Fundamental Law and the individual federal constitutions. The focus of the management, as well as the participation (through the federal council) in the federal legislative work. The legislative body of the federal states is the “Landtag”. It is worth noting that the federal states are confined to legislative work for sectors not covered by the Federation. Regarding the federal governing framework, the Länder have the competence of institutionalizing. In the field of land planning, federal planning laws are issued (Landesplanungsgesetze) to the Federal Spatial Planning Guideline Law (Bundesraumordnungsgesetz). The Landesparlament regulates the flat level. It is therefore the only, directly, democratically, elected by the people state organ. The Landesregierung is made up of the Prime Minister and his representatives (Ministers chosen by him) [The Planning System in the Federal Republic of Germany]. The Prime Minister is elected by the Land Parliament. In each Land there is a Minister responsible for spatial planning. In general terms, the Federal Administration can be described as following: The administrative competence of the Länder is distinct from these which arise on the order of the Federation (Bundesauftragsverwaltung) and

to these of “Landeseigenverwaltung”. The Federal states are required to cover objects for which they have exclusive modality. This applies, for example, to schools, police, and as well for the “Landesplanung”. In addition, the federal administration is allowed to use the federal laws, for its own benefit and on its own responsibility. This is the case, for example, for areas such as town planning, crafts and environment protection. The structure of administration in the federal states is characterized by state co-operation services (direct state administration) and municipalities (indirect state administration) [The Planning System in the Federal Republic of Germany]. This branch of administration is implemented by the services of the Administrative Regions (Regierungsbezirke), which assemble all the responsibilities for all matters that are their spatial extent and which are not exercised by any other authority. The services of the Administrative Regions are therefore engaged in their territory managing on a horizontal level, as well as mediating between federal Ministries at the highest level and the municipal (local) government organizations at the lower level. An important role plays the Regierungspräsident. The services of the Administrative Regions have to fulfill important responsibilities in the field of land planning. Although the federal authority is one of the immovable points of the German Constitution, the presence of the Länder is not unchanged. It is possible on the basis of relevant regulations of the Fundamental Law to promote a reorganization of its federal territory.

## **5. Public Administration in Greece**

Now, we would like to take a look at public administration in Greece. Leaving from the post-war-Weberian model of bureaucracy in order to a view of modernization, the Greek administrative system has been submitted to several reform programs. At the beginning, there will be a short presentation of the political system of Greece. The desired purpose of the article is to present the public administration, the new public management and explore the administrative changes which occurred in the field of the public administration in Greece. There will be also described the problems and the weaknesses of the public area. It is claimed that the Greek administration has been unable to track and apply a compatible and operational administrative paradigm because every transformation manufactured weak results. Even though the Greek public administration has experienced a lot of transformations, none of these reorganization program seem to have bring a specific administrative model. This part of the article will expand a lot of facts about old and more recent developments in the area of public administration.

## 6. Political System of Greece

The official name of the state is the Hellenic Republic (Greek: *Elliniki Dimokratia*). Under the Constitution of 1975 (modified in 1986), Greece is a parliamentary republic, with the president as head of state and head of the armed forces. Greece since 1981 has been a member of the European Union, since 1952 member of NATO and since 2002, the Eurozone. There is a division of power into law, executive and judiciary [Dagtoglou, 1991, p. 21]. Legislative power is exercised by the Parliament and the President of the Republic and executive power – by the government, judicial power and independent courts. Parliament consists of one chamber – the Chamber of Deputies of Greece. 300 parliamentarians are elected in general and secret elections for a period of four years. 250 deputies are elected in proportional representation. The remaining 50 seats in the parliament are divided between the parties that won the majority in direct elections, or in full get the party who obtained over 41% of the votes. The candidate for a deputy must be a Greek citizen and be over 25 years of age. The electoral right is for people who are 18 or older. Participation in elections in Greece is not only a privilege, but also a constitutional duty of every entitled person. For non-participation in elections, administrative sanctions, for example, refusal to issue a passport, etc. may be a disadvantage. The inconvenience is the need to participate in elections in the place of birth, however travel costs are reimbursed by political parties [Art. 51, par. 4 of the Greek Constitution]. The last parliamentary elections took place on 25 January 2015, in the middle of the term of the previous parliament, which was dissolved due to the impossibility of electing a president. The Radical Left (SYRIZA) won the most votes – 36.34%, followed by New Democracy – 27.81%. SYRIZA received 149 seats in the parliament – only two of them were unable to govern themselves. That is why it immediately joined the coalition with the far-right party Independent Democrats, which won 17 seats [Smith, 2015]. Both parties share a lot, but they share one thing: resolute opposition to the policy of “tightening the belt”. The right to court is guaranteed by the Constitution. Courts are divided into civil, criminal and administrative. There are civil district courts and twelve appellate courts. Criminal courts are divided depending on the crime category. The Supreme Court examines appeals regarding both civil and criminal cases. There are administrative courts of first instance and the Supreme Administrative Court. The Supreme Special Tribunal examines the compliance of laws with the constitution and also resolves competence disputes. The current administrative division of Greece is the result of the Kallikrates (Kallikratis) reform and has been in force since 1 January 2011. The previous system of 13 regions, 54 county and 1033 municipalities and communities was replaced by 7 administrations, 13 regions and 325 municipalities [Kallikratis plan]. The highest unit

of administrative division are administrations managed by government secretaries appointed by the government. These are new units that did not have their counterparts before the reform. Each administration includes 1, 2 or 3 regions, similar to those reforms from before. Regions managed by voivodes and local councils are the equivalent of our voivodships, with the difference that they are fully self-governing (the voivode is now elected by citizens and not imposed by the government as at present in Poland and in Greece before the reform). They are divided into 325 communes – also local government – managed by the mayors and the commune council [Kallikratis plan].

Generally, the reform has simplified the administrative division of Greece by eliminating the former county/prefectures – intermediate units between regions and municipalities. Instead of county, subregions (managed by the voivode) were created, but they are less important to them and do not have the status of administrative units.

## **7. Stages of Evolution of Public Administration in Greece**

The administrative system experienced a lot of separate stages of evolution uprising from the post-war period, when its features were somehow influenced by widely trends. The goal of this section is to explore and identify the characteristics of the Greek administrative model over time.

### **7.1. The Post-War Model**

In the post-war era, the system of public administration was headed in the path of heavy statism. Moreover, the public organizations were a huge bureaucracies which were performing on the basis of formal rules and procedures and submitted to the absolute control of the political system. When the military junta period arrived (1967-1974) the organizational and functioning attributes were not influenced. Although we can say that authority and hierarchy aspects were emphasized. After the comeback of democracy (from 1974) they focused on democratization of the public area. During the next years, the expansion and development of the bureaucracy brought increase in public employment, highly public spendings and collection of public debt and the fiscal unbalances [Pagoulatos, 2013].

### **7.2. The Era of Modernization and Europeanization**

The early 1990s was the time when the domestic system of administration was influenced by the obligations related to the action of European integration, liberalization and globalization [see: Spanou, 1998]. An effort to make significant changes in the dominant scheme began in the early 1990s, although the truth authentic time when the

Greek administration started to change in the modern era from 1996 onwards. During the 1990s-2000s, the process of state reform was influenced by the movement to management thoughts and models of economy related to the (neo) liberal disquisition [Williams, Marathappu, 2013].

### **7.3. Debt Crisis in Greece**

The rapidly increasing fiscal debt crisis that hit the economy of Greece in 2010 constituted as the main point for introducing regulations at all levels of the public administration [Pelagidis, Mitsopoulos, 2006]. The public sector was placed at the head of reforms which were required, dictating some drastic reduction of its scope, size and especially cost. The main goal that they wanted to achieve was to improve the efficiency and effectiveness of public administration. In order to reduce the public debt the actions that they took was cost-cutting [El Erian, 2016]. The policy that they choose included downsizing measures, cuts in public expenses, lay-offs, structural reorganization, privatizations and liquidation of public entities. They focused on fiscal functions, taxation and public expenses [Monokroussos, Thomakos, 2013]. These reforms were linked with detailed goals, strict timetable for achieving goals and were regularly monitored. However a very significant problem was that the policies and changes which they wanted to implement were limited only to theory. The Memoranda signed between the government of Greece and the “Troika” included a new institutional economics and the New Public Management principles, such as substantiation for economic efficiency, better performance and better goal-oriented administration. So, Memoranda proposed a new pattern of conduct in public administration which would help Greece to rebuild the public sector despite the hard time. Despite the fact of the proposed new patterns, the changes were translated into policies mostly in terms of minimizing expenses and cutting costs and not in a strategic context. It is worth adding also that the goal of serving the citizens in better way that was regularly appealed in the rhetoric of the reforms were absent from the policy agenda. The aspects that were absent are public service aspects, such as participation and democratic citizenship. In general, despite the established goals and the external pressure, the acts that were taken brought only short-term fiscal improvements, but the structure of the effects was weak and did not help solving the internal problem of public administration. Moreover, the policy formulation was rather incompatible and did not take into consideration the actual ability of the administration to accept the required adaptations.

### **7.4. Searching a Paradigm**

During the first post-war decades the administration was inspired by Weberian bureaucracy and the Southern European public service sets. In the mid-1990s the domestic

model was affected by economic and managerial elements, also by Europeanization pressures [Lampropoulou, Oikonomou, 2013]. In the debt crisis era the transformations that the Greek administration took up included transformations in a neo-liberal context. Greek public administration is characterized by low performance, irrational actions, politicization, legalism, formalism, corruption, lack of coordination, ad hoc arrangements. The size and the enormity of these shortcomings explain the weak results of all reforms that they attempted to bring to life. All these facts about the bureaucracy in Greece, weaken the hypothesis of rational and consistent paradigm [Social Issues in Focus].

## **8. The Problems and Weaknesses of the Greek Public Administration**

The Greek public administration has an intense pathology and bureaucratic dysfunction, the characteristics of which can be analyzed in two categories: firstly, the tendency to concentrate the decisive power and influence the political system, and second, the structural deficiency or reduced capacity of the country's administrative machinery. To be more precise the first set of features of administrative pathology, the tendency to concentrate decisive power, influence and competence develops at multiple successive levels:

- a) the executive, within the political system,
- b) the Prime Minister and the government, within the executive branch,
- c) political leadership, with the public administration,
- d) senior management levels, with public services and organizations.

With the regard to the second set of characteristics, the inappropriateness of the administrative mechanism arises:

- a) from the extremely expanded, in relation to the actual results it produces, the organizational size of the staffing of the public services, which are even characterized by the anachronistic and inadequate structure due to unequal distribution of human resources,
- b) inappropriate staffing, which is almost always as a result of the operation of either the customer system and the status of political favor or the reduced efficiency of recruitment methods,
- c) by the impressive administrative underdevelopment, in the sense of the absence of a modern spirit, methodology and management philosophy at almost all organizational levels. As a consequence of the maintenance of bureaucracy (legalism, responsibility, low productivity, substitution of goals), lack of procedures, knowledge and feedback capacities,

- d) the substantial failure and limited effectiveness of reform measures and ventures that either accelerate the capacity crisis of the system.

In more general context, public administration is fully dependent on political fluctuations.

From the point of view its weaknesses could be summarized as follows:

- a) lack of stable and reliable rules,
- b) lack of planning-planning coordination,
- c) lack of orientation towards the client, citizen and to the result,
- d) lack of flexibility, decentralization of responsibilities,
- e) lack of care and over emphasis on formal legal arrangements.

Another notable feature of the Greek political-administrative system is the non-existence or inaction of control mechanisms.

## **9. Towards New Public Management in Public Administration in Greece**

The new model of public administration and public policy was based on the theory of individualism through the orientation towards market orientation. Based on the theory of individualism, public administration must therefore be based on competition rather than the strict rules imposed by the traditional bureaucracy model. Citizens should be treated as customers. Profit is the main goal and cost minimization is looking for new perspectives and competitive proposals. A fact that reveals the indifference to the production of results and the resulting spread of responsibilities. The classical model of public administration is a complex in essence, sample of social and legal characteristics that are elaborately knit in a regulatory framework and for higher public purpose: the public interest. New Public Management (further as: NPM; was first developed in the United Kingdom on the Thatcher and Reagan governments and then on the Bill Clinton government [Μιχαλόπουλος, 2003]. It is a new way of operating the public sector according to Hood [Hood, 1991] and goes against the traditional hierarchical public administration. The NPM is based on the theory of individualism and selfishness and is known as administrative reform or governance [Ongaro, 2009].

The characteristics of the NPM are:

1. decentralization by promoting the autonomy of administrative bodies and regional units,
2. improving the provision of services to citizens at state and local level,
3. customer orientation by making administrative decisions transparently and spiritually close to the citizens,
4. greater emphasis on production control of both public and private enterprises,

5. e-government using modern technology and investment plans,
6. regulatory reform with a local and European framework support,
7. flexibility and innovation in all sectors of society, market and, by extension, in all areas of everyday life,
8. emphasis on marketing and rules of the market,
9. implementation of private sector administration practices in the public sector,
10. delivering and targeting the market with plans and investment assessment [see: Argyriades, 2006; Dunleavy, Hood, 1994].

## CONCLUSION

In conclusion, we would like to notice that Germany is a federal parliamentary republic with a head of government (the chancellor) and a head of state (the president who is primarily responsible for representation of the country). Greece, on the other hand, is a parliamentary representative democratic republic in which the Prime Minister – has more political power, and the head of state – the president – has mainly custom duties. The government exercises executive power. Germany consists of 16 Länder, each of which has their own constitution and is largely autonomous in their internal organization. Of these, the three are Länder-cities: Bremen, Berlin and Hamburg. Greece is divided into 13 regions which are headed by regional governors. Both countries belong to the EU and to the euro area.

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