CONTRACTUAL COOPERATION OF MUNICIPALITIES FOR PERFORMANCE OF TRANSFERRED COMPETENCIES IN THE BUILDING SECTOR

ZMLUVNÁ SPOLUPRÁCA OBCÍ NA ZABEZPEČOVANIE VÝKONU PRENESENÝCH KOMPETENCIÍ NA SAMOSPRÁVU V STAVEBNOM SEKTORE

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I. Introduction

Until 1st January 1993, the Slovak Republic and the Czech Republic were part of a federal state. Pursuant to Constitutional Act no. 542/1992 Coll., with effect from 1st January 1993, the Slovak Republic was declared an independent state by the Federal Assembly of the Czech and Slovak Federal Republic –

Constitutional Act on the Dissolution of the Czech and Slovak Federal Republic (CSFR). The basis of the legal constitution of the Slovak Republic was the adoption of the Constitution of the Slovak Republic no. 460/1992 Coll.⁽¹⁾.

The development of public administration in this newly established state had started to lean towards new direction, but it should be noted that the planned change in the functioning of public administration was recorded even before the decay of the CSFR. Both states began to undergo a reform of public

Abstract (EN)

The reform of the self-governments in Slovakia caused the transfer of competencies from state authorities to municipalities. Every municipality is in accordance with Act no. 369/1990 Coll. on the Municipal Establishment obliged to ensure original and transferred competences for its inhabitants. However, for objective reasons, not all municipalities are able to perform them. Municipalities began to use the possibility of mutual contractual cooperation in accordance with the amendment to the Act on Municipal Establishment, under which municipalities can cooperate with each other for the purpose of carrying out a specific task or activity. Such cooperation between municipalities also exists for the purpose of exercising competence in the field of the building order. Pursuant to Act no. 50/1976 Coll. as amended, each municipality is a building authority. The aim of the paper is to qualitatively assess the reasons for contractual cooperation between the municipalities of the Nitra (NR) and Košice (KE) regions in the area of the building order (by using the method of structured interview). So far, 2 649 municipalities, which are a part of 189 joint building offices (JBO), have used the possibility of mutual contractual cooperation in the SR. Specifically, in the NR region there are 343 municipalities, which are part of 26 JBOs and in the KE region 391 municipalities, which are part of 28 JBOs. The qualitative method was used to find out the opinions of the building offices. Based on the obtained results, an optimal solution for problems of cooperation of municipalities was proposed by adopting new legislation, namely by the allocation of building offices to the seats of registry offices.

Keywords (EN)

municipal cooperation, transferred competences, building order

Abstrakt (SK)

Reforma samosprávy na Slovensku spôsobila prechod kompetencií zo štátnych orgánov na obce. Každá obec je v zmysle zákona č. 369/1990 Zb. o obecnom zriadení má povinnosť zabezpečovať pre svojich obyvateľov originálne a prenesené kompetencie. Nie všetky obce to však z objektívnych dôvodov dokážu. Obce začali využívať možnosť vzájomnej zmluvnej spolupráce v zmysle novely zákona o obecnom zriadení, v zmysle ktorej môžu obce medzi sebou zmluvne spolupracovať na účel uskutočnenia konkrétnej úlohy alebo činnosti. Takáto spolupráca medzi obcami existuje aj za účelom vykonávania kompetencie na úseku stavebného poriadku. V zmysle zákona č. 50/1976 Zb. v platnom znení je každá obec stavebným úradom. Cieľom článku je kvalitatívne skúmanie dôvodov zmluvnej spolupráce medzi obcami Nitrianskeho (NR) a Košického (KE) kraja v sektore stavebného poriadku, (formou riadeného rozhovoru). V SR doposiaľ možnosť vzájomnej zmluvnej spolupráce využilo 2 649 obcí, ktoré sú súčasťou 189 spoločných stavebných úradov (SSÚ). Konkrétne v NR kraji ide o 343 obcí, ktoré sú súčasťou 26 SSÚ a v KE kraji 391 obcí, ktoré sú súčasťou 28 SSÚ. Kvalitatívnou metódou boli zistené názory stavebných úradov a na základe získaného výsledku výskumu bolo navrhnuté optimálne riešenie problémov spolupráce obcí novou legislatívou, a to alokáciou stavebných úradov do sídiel matričných úradov.

Kľúčové slová (SK)

spolupráca obcí, prenesené kompetencie, stavebný poriadok

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administration after 1989.

The idea of public administration reform of today's Slovakia and the Czech Republic was directed towards the efforts of the countries to become a part of the European Union, since the effective functioning of public administration was defined as one of the preconditions for membership⁽²⁾.

In the Slovak Republic and the Czech Republic, the functioning of state administration and self-government administration gradually transformed in terms of more efficient provision and performance of public services, closer to the citizen.

One British author⁽³⁾ has assessed public administration reform as follows: "The efforts of Central and Eastern European countries to become members of the European Union are another motives to address seriously public administration reform, as effective government is one of the conditions for membership set by the EU itself. However, rebuilding the public administration and redefining its role in society has proved to be an extremely difficult task in these states".

The state administration in the Slovak Republic aimed towards the ESO reform (Effective, Reliable and Open Public Administration), whose ambition was, through the creation of Client Centres, to streamline the functioning, ensure the quality, transparency and accessibility of public administration for the citizen⁽⁴⁾. The number of Client Centres in Slovakia is currently 56⁽⁵⁾.

The position of self-government in Slovakia began to be shaped by the adoption of Act no. 369/1990 Coll. on the Municipal Establishment, which led to the rebirth of the self-governments⁽⁶⁾. In this Act⁽⁷⁾, the municipality was defined as a territorial self-governing and administrative unit of the Slovak Republic, which associates persons with permanent residence in its territory. The law also states that a municipality has an obligation to provide original and transferred competences for its inhabitants that may be entrusted to it from the state authorities⁽⁸⁾.

Based on that, territorial self-government is perceived as a democratic basis for organizing and managing public affairs in the conditions of modern democratic states, among which the Slovak Republic is currently included. In these perceived modern states, the emphasis is on the principles of decentralization and subsidiarity⁽⁹⁾.

In the past, the Slovak Republic underwent a decentralization of competences, which was divided into different stages. According to the adopted Act no. 416/2001 Coll. on the Transfer of Some Competencies from State Administration Bodies to Municipalities and Higher Territorial Units, the competencies were decentralized in Slovakia. By that Act⁽¹⁰⁾, more than 300 competences were transferred from the state authorities to the self-government⁽¹¹⁾.

Thus, municipalities usually providing the original competences such as managing their own property, deciding on local taxes, maintaining local roads, etc.⁽¹²⁾ have been added additional ones. The following competences belong to the new competences transferred from state authorities to municipalities: environmental protection, social security, register keeping⁽¹³⁾ and also competencies that are the object of the paper elaboration, namely competences in the area of building order.

In the past, Ministry of the Environment of the Slovak Republic was the Managing Authority for ensuring competence regarding the building order, while the Department of the Environment of the District Authorities was the implementing body⁽¹⁴⁾. The change occurred at the turn of 2002 and 2003. With effect from 1st January 2003, the competence in the building order section was decentralized to the self-governments. Pursuant to the Act on the Transfer of Certain Competencies from the State Administration Bodies to Municipalities and Higher Territorial Units⁽¹⁵⁾, which can also be considered an amendment to the current Building Act⁽¹⁶⁾, a municipality can be defined as a building authority⁽¹⁷⁾.

Within the framework of decentralization, only employees of district offices, who were engaged in the exercise of this competence at district offices, were delimited to the municipalities. Thus, it is natural that these people moved from the district office to the municipal office, especially in the place of their residence, respectively where they have done the work until then. In fact, the ratio of the number of former offices where this competence was exercised to the new building offices was disproportionate, and this was related also to the number of available employees with the required professional qualifications and experience in the exercise of this competence. To ensure this competence, the state delimited to the municipal offices only such number of employees and volume of financial means that was needed until then⁽¹⁸⁾.

The exact competence of the municipality in the exercise of this transferred competence is given in Act no. 608/2003 Coll. on the State Administration for Spatial Planning, Building Regulations and Housing and on the amendment of Act no. 50/1976 Coll. on Land-use Planning and Building Order (building order) as amended.

"The municipality within the transferred performance of state administration in the section of the building order: performs the powers of the building authority and ensures the state supervision"⁽¹⁹⁾.

The transfer of this competence to self-government partially fulfilled the requirement of municipalities (inhabitants) to be able to independently decide on their development priorities, which is also the area of building law⁽²⁰⁾. However, municipalities have gradually encountered problems in securing and im-

⁽²⁾ Slavík (2003).

⁽³⁾ Collins (1997).

⁽⁴⁾ Ministerstvo vnútra SR (2020) – Ministry of Interior (2020).

⁽⁵⁾ Ministerstvo vnútra SR (2019) – Ministry of Interior (2019).

⁽⁶⁾ Chovanec – Palúš (2004).

⁽⁷⁾ §1 Act No. 369/1990 Coll. as amended.

⁽⁸⁾ §5 Act No. 369/1990 Coll. as amended.

⁽⁹⁾ Jesenko (2017).

⁽¹⁰⁾ Act No. 416/2001 Coll. as amended.

⁽¹¹⁾ Leško (2015).

⁽¹²⁾ Jančí (2004).

⁽¹³⁾ Gavenčiaková (2018).

⁽¹⁴⁾ Hudec – Tolnayová (2002).

⁽¹⁵⁾ Act No. 416/2001 Coll., as amended.

⁽¹⁶⁾ Act No. 50/1976 Coll., as amended.

⁽¹⁷⁾ §117 Act No. 50/1976 Coll., as amended.

⁽¹⁸⁾ Mederly et al. (2019).

⁽¹⁹⁾ §5 Act No. 608/2003 Coll., as amended.

⁽²⁰⁾ Mederly et al. (2019).

plementing this competence.

The Slovak Republic has 2 927 municipalities (the highest number of municipalities in the state is registered in Prešov, Banská Bystrica, Košice and Nitra regions)⁽²¹⁾, which makes it to rank among the highly fragmented states of Europe (similar to the Czech Republic)⁽²²⁾.

The municipalities were established without any size criteria, which means that in Slovakia there is a municipality which has 7 inhabitants (village Prikra – Prešov region) but also 8 698 inhabitants (village Smižany – Košice region)⁽²³⁾.

Municipalities in Slovakia (especially small municipalities) face problems with financial and personnel sustainability of the provision of transferred competencies – municipalities do not have sufficient funds allocated by the state to perform competences in the section of the building order, even though the state is responsible for financing of the transferred competence in the building order section. Pursuant to the Act on the Budgetary Rules of Territorial Self-Government and on the amendment of certain acts, as amended⁽²⁴⁾, but also under the Constitution of the Slovak Republic⁽²⁵⁾, it is defined that the state pays all costs associated with the exercise of its original competence.

In many cases in Slovakia, however, municipalities pay from their own resources to ensure competence in the section of the building order, even though: the municipality is obliged under the Municipal Act⁽²⁶⁾ to finance only its original competences and not the competences entrusted to it by the state⁽²⁷⁾.

Until 30th November 2019, the amount of state transfer per transferred performance of state administration in the section of the building order was 1.11 €/inhabitant⁽²⁸⁾. Since 1st December 2019, the amount of this subsidy has been adjusted and it will no longer be determined by the exact amount per capita. The amount of the subsidy per capita is determined as the ratio of expenditures of the approved budget or the modified budget of the Ministry of Transport and Construction SR of the relevant year assigned to the transferred performance of state administration in the section of the building order and the number of inhabitants with a permanent stay in the territory of the Slovak Republic. The specific amount of the subsidy for the municipality is then calculated as the product of the subsidy per capita and the number of inhabitants residing in the municipality⁽²⁹⁾.

Personnel ensuring the performance of competencies in the building order section, however, are subject to the required qualifications and education⁽³⁰⁾.

As small municipalities, with a small number of inhabitants,

are unable to cover the personnel costs and the costs of material nature from the state transfer, they were forced to look for a different solution. Municipalities in Slovakia have started to use the possibility of mutual contractual cooperation – municipalities have the possibility to cooperate with each other for the purpose of performing a specific task or activity⁽³¹⁾. This resulted in a creation of the joint municipal offices in Slovakia and, in the case of exercising competence in the field of building regulations, of joint building offices.

Since every municipality in Slovakia is a building authority⁽³²⁾, contractual cooperation in the field of the building order allows them to: efficiently, economically and effectively provide this competence, as it has been stated that for objective reasons (financial, personnel) especially small municipalities face problems with providing transferred competences from the state.

This can be verified by various options. In our case, we consider the most appropriate way to communicate directly with the representatives of municipalities and to discuss the topic of the building order (cooperation between municipalities). It is essential that the representatives of municipalities comment on the given topic and point out the problems that arise for them in securing the transferred competences specifically in the section of the building order.

II. Objective and methodology

The objective of the paper is to analyse, by means of qualitative research, with respect to the valid legislation of the Slovak Republic, whether contractual cooperation between municipalities in the exercise of competence in the field of building regulations is an economical and more efficient option for exercising this competence. In the Slovak Republic, each municipality is a building authority⁽³³⁾. Contractual cooperation between municipalities in exercising of competences in the field of building regulations is in our conditions the only way of more efficient implementation of this competence so far (more efficient from the point of view that especially small municipalities would have significant difficulties in securing this competence).

By conducting structured interviews with the representatives of municipalities, our aim was to obtain opinions on the cooperation between municipalities, which is allowed by law⁽³⁴⁾, and generally on the problems that municipalities face during ensuring this competence.

We conducted structured interviews at a sample of building offices in the NR and KE regions, which are divided into single building offices (SBO) and joint building offices (JBO). The research was carried out on a selected sample of building offices (joint building offices and building offices that perform this competence separately) within the Nitra and Košice regions.

⁽²¹⁾ Bačík (2019).

⁽²²⁾ Klimovský (2010).

⁽²³⁾ Bačík (2020).

⁽²⁴⁾ Act No. 583/2004 Coll., as amended.

⁽²⁵⁾ Act No. 460/1992 Coll., as amended.

⁽²⁶⁾ Act No. 369/1990 Coll., as amended.

⁽²⁷⁾ NKU (2013) – Supreme Audit Office of the Slovak Republic (2013).

⁽²⁸⁾ Opatrenie Ministerstva dopravy a výstavby SR č. 06484/2018/SRF/21012-M zo 16. marca 2018.

⁽²⁹⁾ Opatrenie Ministerstva dopravy a výstavby SR č. č. 30153/2019/SRF/93297-M z 13. novembra 2019.

⁽³⁰⁾ §117 Section 3 Act No. 50/1976 Coll., as amended; §2a Section 3, Act No. 50/1976 Coll., as amended.

⁽³¹⁾ §20 Act No. 369/1990 Coll., as amended.

⁽³²⁾ §117a Act No. 50/1976 Coll., as amended.

⁽³³⁾ §117a Act No. 50/1976 Coll., as amended.

⁽³⁴⁾ §20 Act No. 369/1990 Coll., as amended.

Table 1 Municipalities (Building Offices) in Nitra and Košice Region

	Number of Municipalities	Number of Joint Building Offices (JBO)	Number of Municipalities which are Member of JBO	Number of Single Building Offices (SBO)	Town Sections
Nitra Region	354	26	343	11	—
Košice Region	461	28	391	48	22
Total	815	54	734	59	22

Source: Ministerstvo vnútra SR1 (2019) – Ministry of Interior1 (2019)

III. Solution for personnel and financial securing of municipal performance of building competencies

The possibility of using contractual cooperation between municipalities in performing the transferred competence in the field of building regulations in the Slovak Republic has so far been used by 2 649 municipalities, which have voluntarily become part of 189 joint building offices⁽³⁵⁾.

In the paper we analyse the contractual cooperation that was established between the municipalities located in the Nitra (NR) and Košice (KE) regions.

The following Table 1 shows summary data on municipalities (building offices) located in the surveyed regions of the SR.

We carried out qualitative research at the building offices of the NR and KE regions, through conducting of structured interviews with employees of the building offices. The survey covered all building offices located in the NR and KE regions. The questions we asked the employees of the building offices concerned the issue of securing and executing the transferred competence in the section of the building order.

The initial question for the employees of the joint building offices was: What was the reason for concluding a contract for the purpose of performing a specific task or activity – according to §20 of Act no. 369/1990 Coll. as a result of which you became the Joint Building Office (JBO), but also why you agreed to be the leading community of the Joint Building Office? Were you forced to hire a new employee of the building office? We were also interested in whether the investments were made in their territorial district related to the construction of new buildings and civil engineering constructions and subsequently we asked about the issue of financing competences in the field of building regulations. We were also asking whether the state transfer to the building offices for performing competences in the section of the building order was sufficient.

We asked the employees of the building offices who exercise competence in the field of building regulations separately: whether it would be appropriate, according to them, to determine a legal obligation for municipalities to associate and create joint building offices. We also asked them about the issue of financing the transferred competence, as in the case of joint building offices, and about the investment activity in their territorial districts.

For the NR region, a positive approach towards the conduct

of structured interviews was expressed by 24 JBOs out of the total 26 JBOs, which represents 92,31% and 9 out of 11 SBOs, which represents 81,81%. In the KE region, from the sample determined for the research, 9 out of 24 JBOs (37,50%) and 16 out of 45 SBOs (35,55%) were involved in the qualitative research.

The overall success rate of conducting the structured interviews concerning the building order issues in the NR region was 89,19% out of the total number of building offices and in the KE region it was 36,23% out of the sample. Together for both regions, the rate of managed interviews (from the sample) was 54,72% (58 building offices out of 106 interviewed building offices).

IV. Qualitative research analysis

In Slovakia “The conception of decentralization and modernization of public administration” was approved for the period 2000–2004 in which more than 300 competences were planned for transfer from local state governments (regional and district offices) to regional and local self-governments⁽³⁶⁾.

For small municipalities, the performance of all transferred competences was not possible; therefore the municipalities looked for other options. Municipalities began to organize voluntary associations with the aim to create joint municipal office (JMO) in the field of certain competences.

“The main aim of associating municipalities into the JMO is to create geographically larger units of local self-governments, which will allow higher effectiveness and optimization in providing of different public services”⁽³⁷⁾. The current valid legislation at the territory of the Slovak Republic regulates the principle of volunteering by Act no. 369/1990 Coll. as amended in voluntary cooperation of municipalities and equal status of all municipalities in the context of the execution of all competences. According to par. 20 of the Act, municipalities may cooperate on the basis of a contract concluded for the purpose of carrying out a specific task or activity and on the basis of a contract establishing an association of municipalities, so called joint municipal office.

Qualitative research of the building order was carried out on a sample of 33 offices in the NR region (24 JBOs + 9 SBOs) and 25 offices in the KE region (9 JBOs + 16 SBOs).

In the research we used the method of structured interviews with representatives of municipalities (employees of building offices). The following tables: 2, 3, 4 and 5 are used to display the research results.

⁽³⁶⁾ Nižňanský (2005).

⁽³⁷⁾ Žárska et al. (2010).

⁽³⁵⁾ Ministerstvo vnútra SR1 (2019) – Ministry of Interior1 (2019).

Table 2 Answers of Employees of Joint Building Offices about the Issue of Building Order in the Nitra Region

Question		Answers
What was the reason for concluding a contract for the purpose of performing a specific task or activity - according to §20 of Act no. 369/1990 Coll. as a result of which you became a Joint Building Office (JBO) resp. why you agreed to be the leading municipality of the JBO?		The municipality was in the past a centre municipality. Capacity reasons of the municipal office. Meet citizens' needs. We have employees who meet the requirements for qualification of an employee of the building office. Due to capacity utilization of professional employees. The municipality had personnel, material and financial capacities for ensuring the quality, rational and efficient performance of the transferred competence in the section of the building order.
Are there investments related to the construction of new building and civil engineering constructions in your area?	Yes: 17 No: 7	Mostly it was the expansion of the premises of the original buildings. Building of the "Strategic Park Nitra".
Is the state transfer sufficient for exercising competence regarding the building order?	Yes: 0 No: 24	Individual municipalities that are part of the JBOs pay 35-40% from their own funds to ensure the competence. Operating costs are too high, but could be reduced, e.g. in the case of delivery of notices of initiation by ordinary mail and not by registered e-mail. No, the municipality pays 1,15 € per inhabitant to the JBO.
Were you forced to hire a new employee of the building office?	Yes: 8 No: 16	Yes, because of capacity reasons. For financial reasons, it is unrealistic to hire a new employee, even if it is needed. We were forced to hire a new employee, but the monthly salaries are paid by municipalities that are part of the JBO.

Source: Own processing, 2020

Table 3 Answers of Employees of Joint Building Offices about the Issue of Building Order in the Košice Region

Question		Answers
What was the reason for concluding a contract for the purpose of performing a specific task or activity - according to §20 of Act no. 369/1990 Coll. as a result of which you became a Joint Building Office (JBO) resp. why you agreed to be the leading municipality of the JBO?		In the past, the municipality (which is now the leading one) was the centre of the catchment area. Financially, the municipality would not be able to ensure the transferred performance of state administration in the section of the building order. Before concluding the contract, the municipality exercised its competence in the section of the building order without a qualified person. Natural catchment area.
Are there investments related to the construction of new building and civil engineering constructions in your area?	Yes: 6 No: 3	In the territorial district of municipalities, there are low-standard apartment buildings, apartment buildings up to 20 flats, sewerage systems, water supply system and other.
Is the state transfer sufficient for exercising competence regarding the building order?	Yes: 0 No: 9	The amount of the government subsidy is insufficient. It does not cover the basic operating costs.
Were you forced to hire a new employee of the building office?	Yes: 4 No: 4 Abstain: 1	The municipality was forced to hire a new employee since the former one was not sufficiently qualified. The building office would also need to hire a new employee, but could not pay for it.

Source: Own processing, 2020

Within the conducted interview, the employees of the building offices in the NR and KE regions had also an option to freely comment on the implementation of the building order. Employees supplemented the above questions with the following information (Table 6).

Within the research we tried to investigate the reasons for contractual cooperation between municipalities and we also tried to identify problems that municipalities face in securing this competence and which force them to work together.

Part of the qualitative research was the question about the sufficiency of the state transfer for the execution of compe-

tences in the section of the building order and also the issue of investments related to the construction of new buildings and engineering constructions.

The issue of financial and personnel provision of this competence was among the most common reasons for cooperation between municipalities in the exercise of competence in the field of building regulations.

Within the answers to the question about the amount of state transfer for the exercise of competence in the section of the building order, we concluded in both regions that both the JBOs and SBOs consider the state contribution under the Act

Table 4 Answers of Employees of Single Building Offices about the Issue of Building Order in the Nitra Region

Question		Answers
Do you think it would be appropriate for the municipalities to be legally obliged to associate and create joint building offices?	Yes: 2 No: 5 Abstain: 2	Yes, due to quality assurance of the agenda.
Are there investments related to the construction of new building and civil engineering constructions in your area?	Yes: 5 No: 4	Construction of new objects of various purposes.
Is the state transfer sufficient for exercising competence regarding the building order?	Yes: 0 No: 8 This factor is not monitored: 1	The subsidy covers only part of the overheads. Even when taking into account the revenue of building offices from the administrative fees, the building offices cannot cover their expenses. Each operation/process is unique and has different level of difficulty. Funding should reflect the real number of operations, costs as in the register section.

Source: Own processing, 2020

Table 5 Answers of Employees of Single Building Offices about the Issue of Building Order in the Nitra Region

Question		Answers
Do you think it would be appropriate for the municipalities to be legally obliged to associate and create joint building offices?	Yes: 3 No: 12 Abstain: 1	No, as long as the municipality can provide a qualified employee to perform the competence. No, an independent municipality can respond more flexibly to ensuring performance in the section of the building order (this is also shown in practice). Yes, but they should be state administration authorities independent from the self-government. Yes, but only for small municipalities with few building procedures. Yes, this will ensure greater expertise for employees.
Are there investments related to the construction of new building and civil engineering constructions in your area?	Yes: 11 No: 5	Those are mainly constructions of houses, but also civic amenities, parking areas and others.
Is the state transfer sufficient for exercising competence regarding the building order?	Yes: 0 No: 16	More staff would be needed to carry out the competence, but the municipality cannot pay them. Financing does not reflect the intensity and scope of tasks in terms of material, technology and salaries.

Source: Own processing, 2020

on Budgetary Rules of Territorial Self-Government ⁽³⁸⁾ insufficient.

The research also proved that individual municipalities that are part of the JBOs are forced to pay 35–40% from their own funds to ensure building competence. Even though as we stated in the introductory part of this paper, the use of funds from the municipal budget for this purpose is contradicting the Constitution of the Slovak Republic and the Act on Budgetary Rules of Territorial Self-Government.

The research shows that in the NR region 17 JBOs and 5 SBOs agreed with the fact that their territorial district is investing in the construction of new buildings and civil engineering constructions and 7 JBOs and 4 SBOs did not record any investment activity in their territorial districts. Remarkable was the note obtained in the survey in the NR region, which implies that in the NR region the investment activity is mainly focused on expanding the premises of the original buildings.

In the KE region, investment activity was recorded in 6 JBOs

and 11 SBOs, while in their territorial districts there are mostly low-standard apartment buildings, apartment buildings up to 20 flats, sewerage system, water supply system and other buildings. No investment activity was recorded in 3 JBOs and 5 SBOs.

Our research was also aimed at possible future legislation that would replace the latent cooperation of municipalities while associated in the JBOs. We found out that 5 SBOs in the NR region and 12 SBOs in the KE region would not favour the legal obligation of municipalities to associate and create joint building offices. The interviewees also supported the view that cooperation would not be necessary if the municipalities were able to provide a qualified employee to carry out the competence, but also to ensure the quality performance of the agenda in the building order section. In the KE region, 12 surveyed SBOs stated the preference of independent performance of the building order by municipalities. They believe that the municipality can respond more flexibly to ensuring performance in the section of the building order (this is also shown in practice).

⁽³⁸⁾ Act. No. 583/2004 Coll., as amended.

Table 6 Other Answers of Employees of Building Offices in NR and KE Regions

JBO Nitra Region	
Komárno	One of the serious shortcomings in the field of transferred state administration in the area of the building order is that since 2003 no or minimal attention has been paid to the financing of the competence. As this is a transferred competence of state administration, all costs should be financed by the state and should not be financed from the municipal budgets.
Nitra	Improved provision of the building order operations in municipalities and in the JBOs would be achieved by enhanced cooperation between state administration authorities and municipalities or JBOs.
Svodín - Topoľčany	Employees would welcome regular training of employees of building offices.
JBO Košice Region	
Štítnik	The superior authorities do not adequately guide the exercise of competence in the field of building order.
SBO Nitra Region	
Šaľa -	Employees emphasized the necessary improvements in material equipment and increased financial remuneration of the work of building office employees. Employees expressed a positive opinion on the creation of a new Building Act.
Komoča	Employees also noted that they record a lack of the required broadly specialized employees of the building offices.
SBO Košice Region	
Krásnohorské Podhradie - Buzica	Employees stated that the increase in the subsidy for the exercise of the competence should take into account real expenditures of municipalities: management of individual processes, postal costs, travel costs, costs of training and new technical equipment (PCs, printers, etc.)

Source: Own processing, 2020

In the NR region, 8 JBOs and in the KE region 4 JBOs were forced to recruit a new employee of the building office. On the other hand, 16 JBOs in NR region and 4 JBOs in the KE region did not hire new employees of the building offices due to the lack of finances, even though the situation would require that.

In most cases, municipalities considered cooperating with other municipalities for the exercise of transferred competence in the building order section because they would not be able to pay the qualified person who is authorized to exercise the competence. Personnel requirements for employees of the building office are strictly given in the valid legislation⁽³⁹⁾.

Regarding the question about the reasons why the municipalities agreed to be the leading municipality of the joint building office that was aimed for the current JBOs in the NR and KE region, we found out the following: past development (municipalities were in the past the centre municipalities), capacity reasons, the expertise of the employees who exercise this competence or the existence of premises for the implementation of the competence.

V. Suggested solutions for problems identified in the research

Research within the project of the Scientific Grant Agency of the Ministry of Education, Science, Research and Sport of the Slovak Republic⁽⁴⁰⁾ led us to propose solutions to the problems of cooperation between municipalities in the building order section based on the following conclusion: in the paper we talk about the possibility of municipalities to cooperate with each other in the exercise of competence transferred from the state to self-government, particularly the competence in the section of the building order. This possibility arose to municipalities within the valid legislation⁽⁴¹⁾. Municipalities cooperate with each other to form joint building offices. These offices are, however, often created chaotically without any controllability. Therefore, we believe that the legal stated seats of building offices should replace the voluntary cooperation of municipalities in the creation of JBOs, as it is the case with the registry offices.

Registry offices and municipalities belonging to them in the territory of the Slovak Republic are precisely defined by legis-

⁽³⁹⁾ Act. No. 50/1976 Zb. as amended.

⁽⁴⁰⁾ Project VEGA No. 1/0190/17.

⁽⁴¹⁾ §20 Act No. 369/1990 Coll., as amended.

Figure 1 Map of Building Offices and Registry Offices in Topoľčany District

lation – the Act on Registers, as amended⁽⁴²⁾, and the Decree establishing the territorial districts of registry offices⁽⁴³⁾. The list of municipalities falling under the individual territorial districts of the registry offices is given in the above-mentioned Decree establishing the territorial districts of the registry offices.

The creation of the seats of building offices according to the current seats of the registry offices has been already mentioned within this paper (see chapter IV.).

In the described research, from the SBOs in the NR region, we gained the opinion of possible creation and also financing of building offices on the basis of a real number of operations of operating costs as in the register section.

Currently, there are 171 register offices in the NR region and in the KE region 92 + 5 (workplaces of town sections of Košice). In our opinion, these would also become the seats of the building offices.

Several authors⁽⁴⁴⁾ as well as experts⁽⁴⁵⁾ have already tackled the topic of creation of building offices according to the registry offices (i.e. by legal regulation) in the past. Later, however, it was dropped.

The chaotic creation of joint building offices could be the

main reason behind this idea⁽⁴⁶⁾.

The above-mentioned idea of the future creation of building offices is graphically portrayed in the Figure 1. Due to the limited scope of the paper, we give only example for one district located in the NR region (Topoľčany District). Figure 1 shows the current distribution of building offices within the district (in which there is no building office, which performs competence in the section of the building order itself – SBO) – the shaded part and at the same time the intersection of register offices in municipalities of the Topoľčany District.

Numbers of JBOs (4) and SBOs (11) in the district and their territorial arrangement in the administrative division indicate the territorial advantage of the allocation of building offices to the registry offices, since the registry offices are allocated in the territorial districts of neighbouring municipalities. Neighbouring municipalities provide convenient and economical cooperation for building offices and appropriate accessibility for their clients.

We propose that the future seats of the building offices should be identical to the current seats of the registry offices (within their territorial districts) and they should be determined by legal regulations.

The scope of the transferred competence in the building order section is directly linked to the Building Act⁽⁴⁷⁾. This, almost 40-year-old, law is currently undergoing the process of preparing its amendment.

In the currently prepared new Building Act, in Annex 3,

⁽⁴²⁾ Act No. 154/1994 Coll., as amended.

⁽⁴³⁾ Regulation No. 529/2001 Coll., as amended.

⁽⁴⁴⁾ Hamalová – Papánková (2005); Černěňko-Havran-Kubala (2017).

⁽⁴⁵⁾ Experts from „Komunitného, výskumného a poradenského centra, n. o. Piešťany“.

⁽⁴⁶⁾ Slávik – Grác – Klobučník (2010).

⁽⁴⁷⁾ Act No. 50/1976 Coll., as amended.

which is expected to be effective as of 1 January 2022, a proposal for the creation of building offices and their seats according to territorial districts is presented. From a practical point of view, this means that there would be a total of 72 building offices in the Slovak Republic. However, due to the low number of building offices under this prepared law, we propose identical seats for building and registry offices. This would prevent the creation of detached workplaces with the aim of bringing the highly frequented performance of the building administration closer to natural persons and legal entities within the territorial scope of the workplace, similar to the creation of detached workplaces of newly established district offices in the district territory according to the Act on the Organization of Local Government⁽⁴⁸⁾.

VI. Conclusion

According to the Act on Municipal Establishment⁽⁴⁹⁾, municipalities have the possibility to cooperate with each other. It is a voluntary cooperation that enables them to become part of the joint building offices in the area of performing the transferred competence of the building order. In the Slovak Republic, the JBOs arise mainly due to the high fragmentation of the territory and the fact that in accordance with the Building Act⁽⁵⁰⁾, each municipality is a building authority, regardless of its size. For objective reasons, especially financial, personnel or material-technical, municipalities use this possibility.

In the paper, we presented the results of an analysis that was conducted through qualitative research in a selected sample of building offices located in the Nitra and Košice regions by using structured interviews with experts of these offices. Through the research, we verified the reasons for cooperation of municipal authorities in the sector of building regulations.

The interviewed employees of the building offices mostly marked financial aspect as the basic problem of the exercise of competencies in the section of the building order. By transferring the competence of the building order from the state authorities to self-government in 2003, the state guaranteed its full financing. According to the employees of the building offices, this funding is insufficient, what causes problems in cooperation.

Pursuant to the valid Building Act, it is necessary that a qualified person exercise the competence in the section of the building order. On the other hand, there is a limited number of such qualified persons who are willing to provide this competence, what also encourages municipalities to cooperate with each other.

Under the conditions of the Slovak Republic, the cooperation of municipalities in the area of the building order – creation of the joint building offices is chaotic and there are no legal conditions for cooperation stated, only the option to cooperate.

The paper pointed out the possibility of creation of the building offices in the future, which was supported by several authors, but also employees of the building offices in the surveyed regions. Globally, it would be the determination of the seats of

building offices to the seats of registry offices. The approval of the new building order, where the names of municipalities with building competences would be specified, similarly as in the case of the registry offices, would prevent uncoordinated conclusion of contracts between municipalities to ensure the execution of the building order.

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