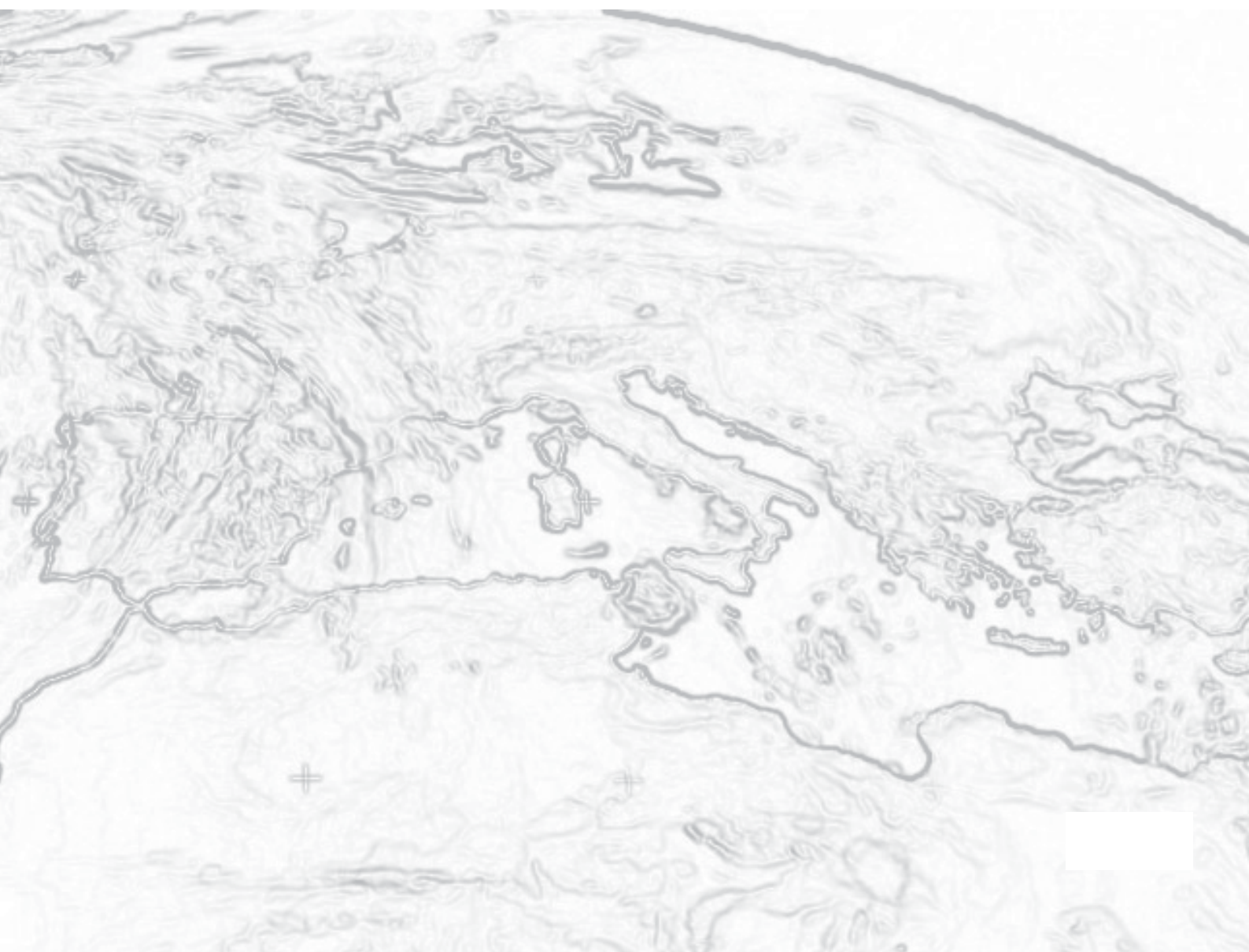


REGIONALIZATION FOR DEVELOPMENT AND ACCESSION
TO THE EUROPEAN UNION: A COMPARATIVE PERSPECTIVE

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Regionalization in Poland



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1. INTRODUCTION

1.1 The Notion of a Region in Poland

The word “region” exists in the Polish language with the same spelling as in English. According to one dictionary¹ it means an area with outstanding specific features (e.g. geographical, ethnic, economic), that distinguish it from other areas. The Polish encyclopedia issued in the 1970s² contains a similar definition. According to the recent Great Internet Multi-media Encyclopedia,³ a region is a part of the Earth’s surface characterized by particular features that differentiate it from its surroundings. Two kinds of regions are listed here. The first is a physical-geographical region that is relatively coherent in terms of geographical location, common history and development as well as internal links between components of the environment. The second is a socio-economic region, which is delimited on the basis of man-made factors, such as land use (e.g., industrial and agricultural regions) or economic links. M. Kulesza⁴ stresses also the variety of meanings attached to the word “region.”

So, depending on the criteria used for its delimitation, one can distinguish natural, historic, economic, and administrative as well as other regions. The notion of regional government—an intermediate level of government and planning between local (municipal) and national levels—has been known in Poland since before World War II. At that time Poland was divided into 15 regions, called in Polish *województwo*.⁵

Major developments undertaken in Poland before World War II, including the Central Industrial District, Gdynia Harbor, the Tatra Mountains development and the development of Warsaw, were based on regional plans.

The concept of regional authority is relatively new in modern Poland. Before the war a regional government existed only in the Upper Silesia region. It was based on a special act of the Polish Parliament from 1920, the Organic Statute of Silesia Region. Under this statute, Silesia had a relatively high level of autonomy, with its own regional parliament and regional council and a distinct organization of courts

The post-war period brought a westward shift of Poland’s boundaries, accompanied by a huge migration of people. First came migration from east to west and later the long-lasting migration from overpopulated rural areas to intensively industrialized cities. As a result, the notion of regional identity among the

people was weak and survived in only a few parts of the country. Regions had little importance then because of the centralized concept of state management. There were fourteen and later seventeen regions. Regional authorities were visible in the administrative system, although they were not democratic, due to the relatively large size of regions and because of the political power of regional leaders. However, only the Communist Party had any decisive power, whereas administration played mainly an executive role. The life of society was organized around the place of work rather than around the place of living; hence the increasing importance of industrial sectors relative to regions of the country.⁶

The complete collapse of regionalism occurred after 1975, when the seventeen regions were replaced with 49 smaller units. Representatives of the central government headed these units. They had little opportunity to exercise real management in their regions. An interesting phenomenon occurred in 1980, when the Solidarity movement adopted a regional structure, contrary to the trade union tradition. However, the first period of official activity of Solidarity was too short to enable the further development of regionalization.

The introduction of democracy in Poland after 1989 resulted in radical changes that first occurred at the central and local levels of government. Democratic local governments were introduced at the very beginning of the transition period, whereas the intermediate level remained quite weak. Assemblies of representatives of municipalities were created in all 49 administrative units, but they had little decision-making power. The establishment of real regional government was discussed until the reforms in 1999. Many concepts for the new regional authority and a new administrative division of Poland were developed from the very beginning of the political changes of 1989, given the advantages of democracy, decentralization of the government and a liberal economy. All these concepts had two main principles:

- The reference to the European regionalism enabling the stimulation of regional international collaboration.
- Securing a high level of autonomy for regional authorities within the unitary state. (No federal concepts have been ever considered).

Due to the long period of debate before actual action, regional government is mentioned only once in the Polish Constitution⁷ adopted in 1997. Chapter VII of the Constitution states

that the municipality is a basic unit of the territorial government and that other units of regional and local government may be defined by other legislation.

1.2 Terminology

The following paper has been written as one of several studies on regionalization in Central European countries. As the names of administrative units are very country-specific, it is necessary to explain how the Polish names of administrative units have been translated into English.

Municipality represents the Polish word *gmina*. As a basic unit of local government it is equivalent to a British municipality.

District represents *powiat*. This consists of several municipalities and is roughly equivalent to the Slovak *kraj* or the German *kreis*.

Urban district means a city with the administrative status of a *powiat*. It encompasses the whole city, not a part of it.

Region represents *województwo*. This is the level of administration immediately below the state level.

2. MAIN FACTORS INFLUENCING THE REGIONALIZATION PROCESS IN POLAND

2.1 EU Accession Process and Requirements of EU Regional Funds

As stated above, the reference to European experience in regionalization processes has been one of the main trends in Polish concepts of regional reform. It refers to administrative systems existing in Western European countries as well as the activities of the European Union.⁸ The existence of a strong regional government in the country is not an essential condition for EU accession. Some EU member states still do not have regional governments. Portugal has no regional governments, despite the fact that the establishment of such bodies was announced in the first Portuguese democratic Constitution more than twenty years ago.⁹ There are also no formal requirements concerning the size of administrative units or the number of tiers in public administration. The European Statistics Office (Eurostat) created the nomenclature of territorial units for statistical purposes (NUTS). It covers a variety of territorial units existing in the fifteen current EU member states and may also encompass administrative units of Central European countries. So the main idea behind work on a new regional policy for Poland and on the reform of regional administra-

tion was to create bodies that would fall under EU regional policy and that would be ready to effectively absorb EU funds.

Poland has received financial assistance from the EU from the beginning of the transformation process. The oldest and the biggest instrument of this assistance has been the PHARE program. This was established in 1989 and was initially aimed only at support for the transformation of economies in Poland and Hungary. Hence the name: Poland and Hungary Action for Restructuring Economies. The program now covers eleven candidate countries from Central and Eastern Europe. The program has evolved during the 1990s and several different phases of its activity may be distinguished.¹⁰ During the first phase (1989–91) the PHARE program mainly provided humanitarian aid, including food and medicine. During the second phase (1991–93) the assistance mainly took the form of training and consulting. The third phase (1993–97) was focused on regional and sectoral investments. Assistance in the fourth phase (1997–99) was oriented towards support for European integration (*acquis communautaire* and infrastructure investments).

Since 1998 PHARE has become an integral part of the Enhanced Pre-Accession Strategy adopted by the European Council. The main objective of this strategy is to provide financial and practical assistance to Central European countries and Cyprus in the implementation of reforms necessary for integration into the EU. The financial assistance is being implemented not only by the PHARE program, but also by two other pre-accession programs, SAPARD and ISPA. The first is aimed at the restructuring of agriculture and the development of rural areas, whereas the main objective of the second is to support the implementation of strategic plans in the realms of environmental protection and transport development.

The primary documents of the enhanced strategy are the “Accession partnership”¹¹ document and the “National Program for the Adoption of the Acquis”. The first document contains lists of priority actions and recommended actions that should be taken in order to integrate Poland into the EU. Very general priorities and recommendations are formulated as regards regional policy. The medium-term priorities are as follows: “the completion of the creation of legal backgrounds; the development of administrative structures and budgetary procedures, as well as the development of mechanisms for monitoring and control.” These actions are intended to enable participation in EU structural programs. Moreover, it has also been recommended to implement a differentiated approach to regional disparities and to create administrative and budgetary structures that would manage integrated EU structural programs after accession. Thus, the need for an elected regional government has not been explicitly formulated here. However, it is not explained what other administrative and budgetary structures would perform this task. In 1997 Poland used only seventeen percent of the PHARE funds allocated to it for inter-regional co-operation.¹² Furthermore,

the inefficiency of the Polish administration in preparing the planning and programming documents necessary for PHARE assistance turned out to be very acute in 1998 when the PHARE budget allocated for Poland was reduced by EUR 34 million, due to poorly prepared projects.

Accession to the EU in a few years' time means for Poland a shift from financial assistance implemented by means of pre-accession funds to participation in EU structural funds.¹³ It was decided in 1999 that in the 2000–06 programming period activities of structural funds are to be concentrated on three priority objectives. Two of them are defined on a regional basis.

Objective 1 is the development and structural adjustment of regions whose development is lagging behind.

Objective 2 is the economic and social conversion of areas facing structural difficulties.

Regions eligible for Objective 1 assistance are those whose GDP per capita is less than 75% of the EU average. Even assuming a relatively high rate of economic growth as well as some decline in the EU's average GDP per capita, due to the accession of all candidate countries, it is easy to foresee that if Poland joins the EU in the 2000–06 programming period, even the country's most developed regions will be eligible for Objective 1 assistance.¹⁴ Similarly, most of Poland's industrial, rural and urban areas easily fulfill the eligibility criteria for Objective 2 assistance. These criteria cannot provide guidelines for regionalization, as accession will probably take place at the end of the period, when new objectives are being prepared. It is necessary, however, to provide regional institutions with the capacity for flexible programming and planning, enabling them to participate in EU structural programs under changing objectives.

2.2 The Need for a More Efficient Public Administration

A critical assessment of the existing administrative system was a point of departure for the concept of administrative reform in Poland. On the face of it, there was a two-tier administrative system in Poland before 1999. These two tiers consisted of municipalities (with elected local governments) and 49 small regions, called *województwo*, headed by central government representatives, called *wojewoda*.

This system was somewhat complicated. Between the local (municipal) and regional level, district administrative authorities operated in territorial units consisting of several municipalities. Moreover, many special administrative bodies, such as the police, courts, fire brigades and the sanitary inspectorate, had units operating across territories that were bigger than a municipality and

smaller than a region. There were some 40 branches of such special administration. The number of territorial units within these branches varied from 150 to 450.

The functioning of the state administration at the regional level was also more complicated than was apparent at first glance. Regional units of the special administration (the same 40 branches) operated at the same level as the administration led by the *wojewoda*, but were subordinated directly to their ministries, rather than to the *wojewoda*. To make matters more complicated, other institutions operated in territorial units covering areas larger than a region and their borders sometimes crossed regional borders. One example of such an authority was the water management body.

Thus, the actual number of administrative levels increased to five (including the central level). Democratically elected bodies existed only at the very top of the system (the Parliament) and at the very bottom (municipal councils). All institutions working in between were somehow subordinated to the central government. Regional assemblies of representatives of municipalities performed mainly advisory roles for heads of regions.

Critics of this situation pointed to the following drawbacks:

- the lack of a clear division of powers and responsibilities between the central government, the central government's regional administration and the territorial government, leading to conflicts between the purviews of different administrative bodies;
- high costs of the system, accompanied by waste of public money;
- a very centralized and unclear budgetary system of governmental administration. Only about fifteen percent of public expenses remained outside the system, i.e. in the hands of local governments;
- the lack of adequate mechanisms for the active investment of public funds;
- the lack of public control over governmental administration;
- the lack of formal opportunities for elected representatives to express the interest of regional communities, leading to the development of informal politics as a means of influencing central government decisions;
- the excessive involvement of ministries in everyday administrative activities, to the detriment of the strategic national interest.

It may seem that many of the above complaints could be made about any other administrative system in any country. However, the huge flood that struck western Poland in 1997 revealed the real inefficiency of this system. The lack of a precise division of responsibilities and the overlapping purviews of various administrative bodies obstructed rescue operations in areas affected by the flood.

2.3 Cooperation of Local Authorities (Including Cross-Border Cooperation)

Fortunately, informal influence on central government was not the only way in which local governments could act beyond the municipal level. Many municipalities realized very early on the need for co-operation among municipalities across a larger area in order to achieve common goals. They made use of opportunities contained in the 1990 law on municipal government.¹⁵ According to this law, municipalities may form unions in order to carry out their statutory responsibilities. Furthermore, the same law allows municipalities to establish associations so as to support the idea of a territorial government and to protect their common interests. Many municipal associations established in the last decade tried to perform (more or less successfully) some tasks that were recently assigned to regional or district governments. In this manner, the process of regionalization also arose from below.

The first association of municipalities was formed in October 1990 and by the end of 1997 there were 158 such associations, comprising 1,085 member municipalities. Some municipalities joined more than one association—in 1997 some 289 municipalities belonged to two associations, 42 to three associations and fifteen municipalities were in four associations simultaneously. There were a variety of reasons for the creation of these associations and a variety of aims of their activities. Most such associations appeared in the early 1990s. In the beginning, the associations formulated very broad ideological aims, with a particular emphasis on the development of self-government. Later the number of newly established associations decreased, but their goals became more specific. Environmental goals became very common. Solid waste management in particular is often a subject of inter-municipal cooperation, mainly due to the high cost of the construction and maintenance of environmentally safe waste disposal sites. The lack of sewerage and sewage treatment plants in many areas equipped with water supply systems prompted the formation of many associations of municipalities in order to protect the water quality and to jointly construct sewerage systems. The territories of these associations usually include the catchment areas of specific rivers. Other unions or associations were not based on any particular goal, nor on territorial links, but on the common features of some municipalities throughout the country. Some examples are the Association of Rural Municipalities, the Association of Polish Towns, and the Association of the Polish Metropolis.

Large associations of municipalities formed on a regional basis played a particularly important role in the regionalization process. Support for the establishment of new, large self-governing regions was one of their explicitly formulated goals. The most important regional unions and associations of this kind were as follows:

- Association of Municipalities of the Lodz Region—30 municipalities;

- Association of Municipalities of Opole-Silesia—59 municipalities;
- Municipal Association of Municipalities of Western Pomerania “Pomerania”—44 municipalities;
- Warmia-Mazury Municipalities Association—43 municipalities;
- The association of Municipalities of Upper Silesia and Northern Moravia—a cross-border Polish-Czech association consisting of 82 Polish municipalities and 58 Czech municipalities from Northern Moravia region;
- Association of Little Poland Municipalities—141 municipalities;
- Association of Mazovia Municipalities—76 municipalities;
- Association of Municipalities of the Greater Poland Region—133 municipalities.

In addition, a few somewhat smaller unions and associations based on more functional links have also been established. For example, the Northern Mazovia Municipalities Association; the “Pilica” union of Municipalities; and the Association of Seaside Towns and Municipalities.

Probably the most spectacular success of this method of regionalization was the “contract for the Katowice region”¹⁶ signed in 1995. This was an agreement between the central government and some 60 organizations located in the Katowice region. The Union of Municipalities of Upper Silesia and Northern Moravia was among the signatories.

Local governments’ international contacts developed rapidly after 1989 as a result of the collapse of the “iron curtain”. These contacts used to take different forms. The simplest were visits by mayors or other officials to foreign municipalities. These contacts are sometimes criticized as tourism at public expense, but the participants usually claim to learn a lot from these visits. Another form of international contact is a partnership agreement with a foreign municipality. More than one third of Polish municipalities signed such agreements before 1997. Larger municipalities and cities were more active in such contacts. According to data from 1997¹⁷ every city with more than 50,000 inhabitants has signed at least one such agreement. Among purely rural municipalities, only one in five have done so. Most such agreements were western-oriented, probably as a sort of “pendulum effect” after 50 years in the Eastern bloc. Polish-German agreements constituted twenty percent of the total, eight percent of such agreements were made with Scandinavian municipalities, seven percent with French and four percent with Dutch and Belgian municipalities. About one percent were made with Russia and the number was similar with other neighboring countries, excluding Germany. This imbalance was caused by contacts of municipalities located inside Poland. As regards border regions, the pattern of international contacts is more regular and contacts with Central and East European local governments are concentrated along the southern and

eastern borders, whereas contacts with Scandinavia tend to be at the coast.

Unions and associations of municipalities contributed greatly to the creation of euro regions along the national borders. There are now fourteen euro regions in Poland. As twelve of them were established before the administrative reform, they could be established either by former administrative regions or by unions of municipalities.

Their location along the Polish border is shown in Figure 4.1. It is striking that euro regions located along the eastern border are much bigger. This is because they were established by regional administrations, and therefore consist of entire administrative regions, whereas euro regions along the southern and western borders were formed by voluntary unions of municipalities and are therefore smaller in size but larger in number. Two new euro regions have been established quite recently

across the southern border: “Beskidy” on the border with Slovakia, and “Dobrava” on the border with the Czech Republic. Both were established by associations of local governments. So, around the borders of the country, only the middle of the coast is not part of any euro region.

Some cross-border agreements between associations of municipalities were made without the establishment of euro regions. One example is the agreement between Polish and Slovak associations on both sides of the Babia Gora (Babia Hora) Mountain, which was signed in 2000.

The originally spontaneous movement of local authorities towards international contact was given a legal framework in 2000, in the form of a parliamentary act setting forth the rules under which territorial governments can join international associations.¹

In the late 1990s representatives of local governments played an active role in preparing local government reform. As a sort of

Figure 4.1
Euro Regions Around Poland in 1998



SOURCE: Map from the Statistical Office in Wrocław.

pilot project before the actual introduction of district (*powiat*) governments, public service zones were established around a few towns. Local governments in these zones performed tasks that were later taken on by larger districts.² At the end of 1997 representatives of local governments established the Support Association for the Establishment of Self-Governing Districts and Regions. Its aim was to support central government plans for local government reform.³

3. THE REFORM OF REGIONAL ADMINISTRATION IN POLAND IN 1999—THE DEVOLUTION OF POWER AND NEW SHAPE OF REGIONS

3.1 Original Concepts

The very first proposals for the introduction of an intermediate level of government were put forward at the beginning of political and economic transformation; i.e. in 1990, when democratic governments were elected in Poland's municipalities. Several governments led by various political parties have since made some steps in this direction. Newly created municipal governments have also pressed for the continuation of administrative reform towards decentralization. National governments headed by J.K. Bielecki and J. Olszewski took up the conceptual work, but their time in office was too short to do anything more. The next government, headed by Hanna Suchocka, managed to put forward a comprehensive concept of administrative reform. However, this government collapsed in 1993, parliament was dissolved, and the concept was not implemented. The next governments, formed by a coalition of post-communist and rural parties, inherited a set of well-defined problems of administrative reform. They did not attempt to finally solve them, but they took over and further developed the concept and implemented new research projects on issues related to administrative reform. Discussions and an exchange of ideas continued among experts from the government and the opposition. The parliamentary election of 1997 was won by Solidarity Electoral Action, the party that made the devolution of power one of the main points of its electoral program. So, when the government formed under Jerzy Buzek finally decided to implement public administration reform in Poland it inherited quite a rich legacy of ideas, research results and advanced concepts of reform. This government put forward the draft project of the administrative reform in 1997. It was based on the following assumptions:⁴

- The main aim of the reform is to bring order to public administration in Poland by replacing the mixture of territorial and sectoral administration with a clear three-tier system of public administration: municipality—district

(*powiat*)—region (*województwo*). The system is to be organized as a complementary rather than hierarchical system: the three levels of government will have separate scopes of authority and responsibility and will not be subordinated to each other.

- The two lower tiers of administration should be self-governing, whereas the regions should have some element of central government administration. The central government administration should be mainly responsible for public order and safety. It should also have control over compliance with national legislation. Regional governments should be responsible for economic development; i.e., regional policy.
- The unitary character of the state must be preserved.
- Districts should be delimited mainly on the basis of social criteria, so that each district should cover an area with which local people identify themselves. The preliminary proposal for the number of districts was about 300. As such districts would be quite small, it was assumed in the beginning that they would be unable to generate sufficient income to perform their statutory tasks and that they would have to be subsidized.
- Regions should be large and economically strong enough to generate sufficient income from taxes so as to perform their statutory tasks and implement their regional policy. The preliminary number of regions proposed by the government was twelve. Regional centers were to be situated in the biggest cities of Poland.

3.2 Struggle Between and Within Political Parties

Problems of decentralization and the introduction of an intermediate level of government have been topics of political debate from the very beginning of the political transformation in Poland. However, when the government put forward its draft reform in 1997 the public debate became particularly intense. The government formed by the coalition of the Solidarity Electoral Action and Freedom Union parties elaborated the reform project.⁵ The main opposition parties were the post-communist Democratic Left Alliance and the rural Polish People's Party. As all major political parties had been to a greater or lesser extent involved in governments that had made some steps towards the decentralization of power, nobody objected to the very idea of reform, nor the introduction of an intermediate level of government. However, there were differing opinions and attitudes regarding specific concepts and proposed solutions.⁶

The Democratic Left Alliance had generally accepted the need for reform. However, its leaders stressed at the same time that their support for reform would depend on specific solutions proposed by the government. The party put forward a proposal for an assistance program for areas that were likely to be adversely

affected by reform. This referred to cities that would lose their administrative status as regional centers when the 49 small regions were to be replaced with a smaller number of larger regions. According to the party proposal such a program should include job creation, the establishment of professional schools of university level and special retirement regulations for clerks that were to be made redundant. The Alliance insisted on making a full estimate of costs of the planned reform for the whole country as well as on carrying out an information campaign about the reform, as public support for the reform was small.

The Polish People's Party objected to the concept of three levels of administration and consequently presented a plan⁷ for a two-tier administrative system based on the following assumptions:

- A two tier-system is cheaper than a three-tier one.
- The number of regions and their borders should remain unchanged.
- The second level of territorial government should be introduced in existing small regions that should be transformed into self-governing/governmental bodies.

They claimed that there was no need to introduce districts, whereas the government argued that the districts already existed in the form of governmental administration districts and sectoral administration districts. The National Assembly of Territorial Governments, which was dominated by the Polish People's Party, supported this concept.

The governing coalition was not unanimous in its views on reform. A group of politicians within Solidarity Electoral Action objected to the reform, mainly out of fear that the introduction of large regions would pose a danger to the unity of the state.

The number of regions was the subject of the hottest debate. The government put forward an initial proposal for twelve regions centered in the largest Polish cities. Apart from the above-mentioned Polish People's Party, many other groups objected to this notion. One of these groups emerged within the governing party (Solidarity Electoral Action) and favored a significantly higher number of regions, about 25. The Regional League, an organization based in Poznań, expressed the completely opposite opinion. They claimed that twelve regions were too many.⁸ This group published its analysis based on data of tax revenues from the existing 49 regions. Four kinds of taxes were taken into account: personal income tax, income tax on legal entities, VAT and excise tax. Assuming that only sufficient income from these sources enables effective regional policy, the authors of the analysis concluded that only eight regions in Poland were economically viable. Furthermore, they pointed out that twenty of the 49 existing regions were bankrupt. Bearing in mind that areas with high income are mainly located in western and central Poland, the authors suggested that eastern regions would have to be subsidized, regardless of how they were drawn up. Representa-

tives of one region listed as a deficit region later accused the authors of this analysis of publishing false statistical data.

Protests against the new administrative division of the country frequently occurred in cities that were to lose their position as regional centers.⁹ Quite often, politicians from different political parties but from the same region combined their efforts in order to defend their region. The government's proposal was most strongly opposed in areas that had been separate regions before the 1975 administrative reform,¹⁰ when there were seventeen regions (*województwo*). Using an array of arguments, one after another they managed to join the initial twelve proposed regions and the final map of Polish regions became more similar to that of the pre-1975 era than to the original government plan.

The debate over the number and size of districts mainly took place at the local level and was not as publicized on a national scale as was the case with regions. However, local initiatives caused many alterations to the initial plan.

3.3 Final Shape

Finally, reform of the administrative system was implemented from 1999, and the three-tier administrative system was introduced:¹¹

- Municipality—this level already existed before the reform.
- District—in Polish, *powiat*.
- Region—in Polish, *województwo*.

The election of district and regional councils took place in September 1998, and two new intermediate-level governments were able to begin their activity from 1999. The final number of regions was sixteen (only one less than before 1975). The largest region, Mazowieckie, covers about 12% of the country and is inhabited by 13.1% of the population, whereas the smallest region, Opolskie, covers only 3% of the country and contains only 2.8% of the population. As regards districts, the following criteria were used in creating the map of districts:¹²

- existing supra-municipal functions of the potential district center;
- economic potential of the district area;
- historic and cultural considerations;
- local community acceptance of the center and shape of the district;
- geographical location and the role of the proposed center in the country's settlement pattern;
- the number of municipalities in the proposed district—the rule was adopted that each district must consist of at least five municipalities;
- the number of inhabitants—as a rule, each district should have at least 50,000 people;
- the area of a proposed district.

An examination of all these criteria leads to the conclusion that only 242 districts satisfy all criteria. Another 60 proposed districts only marginally failed to satisfy them. Ultimately, 308 districts were established. Moreover, 65 cities were given district status. According to the law on district government, from June 5, 1998,¹³ district status may be granted to a city with more than 100,000 inhabitants or to a city that ceased to be a regional center as a result of the reform. The council of ministers is entitled to deny district status to a city that has more than 100,000 inhabitants if it would impair the accessibility of district-level services in other municipalities in the same district as the city. If not, the council of ministers may grant district status to even smaller cities, provided that such cities are sufficiently equipped with the infrastructure necessary to perform the tasks of a district center. Some 33 cities that ceased to be regional centers were given the opportunity to apply for non-urban district status. Three former regional centers exercised this right.

The distribution of power in regional assemblies among political parties is shown in Table 4.1.

Solidarity Electoral Action is a right-wing party that derives from the Solidarity movement. The Democratic Left is a post-communist left-wing party. The Social Alliance consists of three other left-wing parties: the Rural Party, the Labor Union and the Pensioners Party. The Freedom Union is a liberal party that also derives from the Solidarity movement. The “others,” who won a large number in the Opolskie region, are mostly representatives of the ethnic German minority. In the Lubelskie region the 12 “others” are representatives of the Rural Party. It should be noted that many political parties in Poland have not yet found their home in Poland’s political spectrum. Therefore, their allocation to the left or right wing is only an approximation and their programs are not always traditionally right or left.

Only the head of a regional board must be elected by councilors, but other members of the board do not have to be councilors nor belong to any party. The head of the board puts forward candidates for the board to the assembly.

The territorial shape of newly created regions is shown in Figure 4.2.

Table 4.1
Distribution of seats in Regional Assemblies Among Political Parties in Poland
(Numbers in bold indicate parties that formed regional boards)

Region	Party				
	Solidarity Electoral Action	Democratic Left	Social Alliance	Freedom Union	Others
Dolnoslaskie	19	25		5	5
Kujawsko-pomorskie	15	26		4	5
Lubelskie	20	16		2	12
Lubuskie	14	22	3	6	
Lodzkie	19	24	9	3	
Malopolskie	38	12		6	4
Mazowieckie	32	30	11	6	1
Opolskie	11	14	3	4	13
Podkarpackie	31	10	8		1
Podlaskie	25	13	5	2	
Pomorskie	18	16	2	5	9
Slaskie	31	30	1	12	
Swietokrzyskie	10	21	11		3
Warminsko-mazurskie	16	17	6	6	
Wielkopolskie	21	29	5	5	
Zachodniopomorskie	13	22	3	6	1

4. POWERS OF REGIONAL AND DISTRICT GOVERNMENTS IN THE CONTEXT OF THE CONSTITUTIONAL ROLE OF THE MUNICIPALITY AND THE SUPERVISORY ROLE OF THE GOVERNMENTAL ADMINISTRATION

Administrative reform in Poland took place two years after the parliament approved the new Constitution. Chapter 7 of the Constitution is devoted to the territorial government.³¹ It starts from the statement that territorial governments perform all public tasks not assigned by the Constitution or by parliamentary acts to other authorities. The municipality has been declared a basic unit of territorial government in Poland. Accordingly, it performs all territorial government tasks not allocated to other territorial government units. Simultaneously, an announcement of the reform was included in the Constitution, as it is said there that other units of regional or local government are to be defined in a parliamentary act. According to the Constitution, all units of the territorial government are legal entities and have property rights. The Constitution defines two types of public tasks to be performed by territorial government units. The first are tasks proper to the unit; i.e. tasks that are performed to meet the needs of the community. The second are tasks of the state delegated to the territorial government on the basis of particular regulations.³²

The distribution of public tasks and powers among all territorial government and governmental administration units was based on the following principles:³³

- Poland is a unitary state. Therefore it was considered necessary to place a representative of the government administration (in Polish a *wojewoda*) in every region, as a guarantee of the unitary character of the state.
- Territorial administration in Poland should be based on territorial self-government. Therefore, self-governing units should be established at every level of the administrative division of the country. Territorial governments are the only public administration bodies at municipal and district levels, whereas at the regional level two bodies exist: the regional government and the representative of the central government.
- It has been assumed, bearing in mind historic considerations as well as the requirements of a modern state that wants to have cooperative international relations, that the three-tier administrative division of the country will be the most appropriate pattern at the current stage of development.

The reform was carried out with the aim of designating as many local tasks and powers as possible to the municipal and district level. Local tasks and powers are addressed directly to

Figure 4.2
Polish Regions



SOURCE: Map of the Ministry of Interior and Administration

almost every member of the local community. This primarily means the provision of certain basic goods and services and making decisions concerning individual citizens.

The constitutional role of the municipality as a basic unit of territorial government has been implemented by assuming that any public task should be performed in the first instance by the municipality. Only when the municipality is unable to take on the task, due to financial or organizational reasons, or due to the fact that the particular task extends across a wider area than the municipality, or due to any other important reason, may the task be allocated to another administrative unit (most often the district).

Thus, the provision of basic services constitutes the bulk of the municipality's tasks and powers. The municipality is exclusively responsible for:

- the supply of water, heat, gas and electricity;
- keeping the city clean (this includes sewerage systems, solid waste management, cleaning public areas);
- the provision of certain facilities; e.g. cemeteries, parks and public green spaces.

In other matters, the municipality shares responsibility with the district. For example, the municipality is responsible for primary education and lower-level secondary schools, whereas the district runs the upper-level secondary schools. Similarly, basic health care is to be provided by the municipality, whereas the district is responsible for hospitals. The municipality provides social care for people in need at their homes, whereas the district runs homes for the elderly people. The decision-making power of the municipality and the district also concerns cases of individual inhabitants of the administrative unit. Moreover, both levels of government have some power to pass local laws within the framework of the countrywide regulations. The most important rule-making power of the municipality and the district is to set local tax rates within the limits of national legislation. Furthermore, the municipality approves local development plans that are legally binding on land users.

The powers of regional governments differ from those of district and municipal governments. The main purpose of this unit of government is to foster the development of the region in a broad sense of the word. This includes, among others:

- Creating favorable conditions for economic development, by, among others, stimulating the labor market; acquiring and collecting public and private funds to be used for public tasks; international cooperation and promotion of the region, maintaining and developing the technical infrastructure;
- Supporting activities aimed at improving education and health; supporting cooperation between science and business; supporting the development of technology and inno-

• vations, supporting cultural activities and protecting the cultural heritage;

- Shaping the natural environment in accordance with rules of sustainable development.

The above outlined areas of activity of regional governments clearly indicate that they will focus on organizational, creative and promotional activities. Therefore, the regional governments will have to make extensive use of non-governing methods, with a special emphasis on negotiations and contracting. The second equally important group of regional government tasks is the provision of highly specialized services in the same sectors in which basic services are to be provided at local levels. This includes specialized hospitals in the health care sectors and teacher training in the education sector.

The role of central governmental administration at the regional level is to implement national policy in the region. In particular, it oversees the integrated governmental administration in the region. Its control over the regional government is limited to the legal control and to central government tasks delegated to the regional government. The central government's regional administration is exclusively responsible for matters of defense and national safety in the region. The head of the central government in the region has special responsibility in the event of natural disaster or any other extraordinary situation, especially when human life, health or property is in danger. In such a situation, he is obliged to secure the co-operation of all central and local government units in the region and is in charge of the entire rescue operation. Due to its supervisory role over the territorial governments and as a head of central government in the region, he performs his tasks mainly by means of individual decisions. However, he is entitled to introduce rules binding on all inhabitants of the region in order to protect human life, health and property and to maintain public order, public safety and peace.

The general division of responsibilities among administrative bodies are contained mainly in the following parliamentary acts:

- The act on regional government.³⁴
- The act on district government.³⁵
- The act on the governmental administration in the region.³⁶

However, areas of activity listed in these acts overlap quite often, therefore it was necessary to approve a separate act "on changes in some acts regulating the powers of public administration," known as the Competence Act,³⁷ so as to clarify the division of powers among the three levels of government as well as between local government and central governmental administration. As a result, more than 140 other detailed acts were changed. Only the contents of the Competence Act give an idea of the scale of the reform undertaken in Poland. Therefore, a more detailed overview of changes introduced by this act is presented below.

5. OVERVIEW OF THE DISTRIBUTION OF POWERS BETWEEN DISTRICT AND REGIONAL GOVERNMENTS

The recent administrative reform in Poland has not limited the role of municipalities; on the contrary, to some extent municipal powers have been enhanced. However, a great many administrative tasks have been allocated to district and regional governments. As these are both newly established bodies, their responsibilities constitute an essential part of the reform. Below follows a description of their tasks according to the main areas of public administrative responsibility.

5.1 Transport

An adequately developed road network and transport system facilitates the movement and contact of residents and is therefore essential to maintaining the integrity of any territorial unit. Hence the importance of powers given to local governments to enable them to maintain and develop these systems.

The powers of district and regional governments in the area of transport are mainly related to road transport; i.e. road construction and maintenance, traffic management and transport services. The starting point for the distribution of powers is the hierarchy of roads in Poland. There are four categories of road in Poland: national, regional, district and local. Detailed criteria are included in a separate act. Regional and district roads have become the property of regional and district governments, respectively. Special local government units manage these roads. Their responsibilities with respect to their roads encompass the following:³⁸

- planning the development of road networks, including the identification of sources of financing for the implementation of these plans, as well as the maintenance and the protection of roads;
- performing a developer's role;
- maintaining facilities necessary for the proper functioning of roads;
- traffic engineering;
- keeping the road register;
- maintaining greenery along roads outside built-up areas;
- managing the strip of land alongside the road, including the right to lease land to other companies for uses related to road management, traffic or provision of services to travelers.

These tasks can be performed either directly by the regional or district board or by a separate unit established for this purpose—a road board.

Although few motorways have been built in Poland to date, they constitute a separate category of road and their legal status is

regulated by a separate parliamentary act. Regional and district governments have little say in this matter. They both have the right to express an opinion about the planned route of the motorway. Certainly if district- or region-owned land is taken for the construction of the motorway, they have a right to compensation. Before the regional reform only municipalities had such rights.

Similar to road management, the distribution of powers related to road transport depends on the route of the transport. Regional and district governments have been invested with the following powers:³⁹

- They grant permits for commercial passenger transport, excluding taxis. If the route does not extend beyond the district, the permit is issued by the district authority. If the route does extend beyond the district, a permit must be obtained from the head of the regional government. In a few cases defined in the legislation, carriers can transfer this permit. The regional and district governments also have controlling powers over carriers that have been granted such permits.
- Regional and district governments have a right to coordinate timetables of companies that operate regular public transport services.
- Regional and district governments have the right to impose on a carrier a contract for transport services in the event of natural disaster. The carrier must be paid by the local government.
- Regional and district governments may also decide on discounts and free travel for particular groups of passengers. However, the difference between discount and normal fare must be refunded to the carrier.

Traffic management on national and regional roads is within the purview of the head of the regional government, whereas the head of the district is responsible for traffic management on district and municipal roads.

As regards driving licenses, the distribution of power is quite sophisticated. The head of the district (*starosta*) is authorized to issue and withdraw driving licenses. He also issues permits to operate driving schools and supervises driving schools. However, exams are to be organized by the board of the regional government. The examiners in turn will be nominated by the regional representative of the government.

Regarding railways, all levels of the territorial government can take ownership of redundant property of Polish Railways free of charge. The regional assembly and the district council each have the right to give their opinion on proposals for the liquidation of particular railways. Each of these bodies is entitled to take over such a railway for free. The regional assembly may also fully or partly finance railway developments and the maintenance of existing railways of regional importance. In accordance with the Competence Act, the land beneath regional railways has been transferred to the regional governments. The council of

ministers may include the railway in the regional category after seeking the opinions of the railway board and the regional assembly. Permits for the management of railway lines and railway transport services are to be given by the central government's regional administration. Recent events (i.e., the agreement of south-eastern regional governments on the joint purchase of new, cheaper trains) have shown that regional governments play an increasingly important role in regional rail transport.

Air transport is almost completely beyond the purview of regional and local governments. All levels of public administration are only obliged to cooperate with bodies that undertake the following actions:

- search and rescue operations in the event of an airplane disappearance or disaster;
- investigations into the cause and circumstances of any air catastrophe.

Moreover, they should also participate in a preventive action if an airplane is in an emergency situation.

5.2 Real Estate Management

Administrative reform has significant consequences for the rules on managing publicly owned real estate. Two intermediate levels of government have not only been established as legal entities, but have also been granted property, including real estate. Therefore, rules on managing publicly owned real estate that formerly referred only to the central government and the municipality had to be extended to districts and regions.⁴⁰ Another element of the reform that significantly influenced the management of public real estate was the abolition of governmental district administration. Before the reform, the heads of district authorities used to perform most of the tasks related to the management of state-owned real estate. Reform made it necessary to transfer these responsibilities to other bodies. The general rule adopted was that heads of districts would take over these tasks from heads of district authorities as governmental administration tasks assigned to the district government.

As a result of the reform, two types of public real estate (district-owned and region-owned) have been created, in addition to existing municipal-owned and state-owned properties. In the beginning, the resources of district and regional real estate consisted of land and buildings acquired by local governments on the basis of regulations in the Competence Act and other regulations pertaining to the reform. It was envisaged that district and regional governments would later enrich their resources during the course of their activities. Bodies responsible for the management of all kinds of public real estate have been identified according to the following pattern:⁴¹

- the head of the district manages state-owned resources;
- the municipality board manages municipal resources;
- the district board manages district-owned resources;
- the board of the region manages region-owned resources.

Some exemptions have been made to these rules. For example, the decision to grant tenants priority in buying their apartments from public bodies is within the power of the head of governmental administration in the region (if the apartment is state-owned) and within the power of the appropriate local governmental council, whether municipal, district or regional. The same institutions were also given the authority to decide on selling public land allocated for housing and infrastructure without a tendering procedure. Similarly, these bodies are entitled to give permission to donate any public real estate.

Parties dissatisfied with decisions made by the bodies responsible for real estate management have a right of appeal. In matters concerning local government real estate, the appeal must be made to the local government's body of appeal. In matters concerning state-owned real estate managed by the head of the district, the appeal may be made to the head of central governmental administration in the region (*województwo*).

Significant changes have also been made to regulations concerning the expropriation of real estate. Expropriation was often abused under Communism and after 1989 local authorities were very reluctant to use this instrument, even if it was really necessary. Before the regional reform the central government's regional administration had expropriation powers. This power has now been transferred to the head of the district. This official decides on starting the expropriation procedure, carries out the administrative case and makes the final decision on expropriation. He also decides on the amount of money paid as compensation. Again, the owner of the expropriated property has the right to appeal to the *województwo*. Another change is that property may be expropriated not only for the sake of the municipality or the state, but also for the sake of the district or regional government.

As we can see, relatively broad powers of real estate management have been granted to the district governments. However, the municipality's right of first refusal in real estate transactions has not been extended to other levels of local government.

5.3 Physical Planning

All local government bodies concerned perform their tasks in the same physical space. Hence the importance of physical planning and land use regulations. Poland's physical planning system has been evolving rapidly since 1989. A new physical planning act was approved on June 7, 1994 and has been in force since 1995.⁴² However, several amendments were made to it before the administrative reform and after. New amendments

are expected soon. The reform has also affected the content of this act. Moreover, other regulations concerning physical planning are included in the recently amended Nature Protection Act and the newly introduced Environmental Protection Law. Many detailed regulations are expected soon. Thus, the distribution of responsibilities described below is valid at the end of 2001, but is almost constantly being amended.

Tasks related to physical planning have been allocated to local governments as well as the central government.⁴³ The most important modifications have been made to the rules on the formulation and implementation of physical development policy at regional level. Most of these new regulations have been put into the new chapter of the Physical Planning Act (No 5a). New rules on the implementation of central government and regional government tasks have been included in Chapter 6a. Regional governments received relatively broad powers in development planning at regional level. They are responsible for the elaboration of basic regional planning documents. These are as follows:

- A development strategy for the region. This document should contain basic conditions as well as goals and directions for the development of the region. The strategy is to be approved by the regional assembly.
- A Regional Physical Development Plan, in which rules of the spatial organization of the region should be established. This includes basic components of the settlement pattern of the region; the allocation of technical, social and other infrastructure; and requirements for the protection of the natural environment and cultural heritage (including areas protected by law). The plan should also include governmental undertakings planned in order to achieve supra-local public goals. This part of the plan must be agreed with the head of the Housing and Urban Development Authority. This authority is entitled to give its opinion about the entire plan. District and municipal governments from the region may also express their opinion.
- Regional programs that include tasks to be performed in order to achieve supra-local and regional public goals. These programs are prepared by the regional board and approved by the regional assembly. However, the program cannot be approved unless funds for its implementation are secured.

If the program is approved before the regional plans are approved, then tasks from the program should be included in the plan and, where necessary, the location of the task should be shown on the map of the plan. If the program is approved after the regional plan, then the regional assembly should ensure that the program complies with the plan. If not, the regional assembly should take steps to eliminate the inconsistency.

Similarly to regional governments, ministries and other central authorities also elaborate programs directed at achieving

supra-local public goals. These programs, too, can be approved only if funds for their implementation are secured. Governmental programs should be agreed with the appropriate regional government so as to ensure compatibility of the program with the regional plan and with the approved regional programs. The head of the Housing and Urban Development Authority keeps the register of governmental programs.

One should note that only local physical development plans (approved by the municipal council) are legally binding in the Polish physical planning system. So any central government or regional undertaking that requires land allocation cannot be performed unless it is incorporated into the local physical plan of the particular municipality, or into several plans in several municipalities if the task extends across a wider area. The building permit for such development must comply with this plan; hence the key role of the local level in physical planning in Poland. Municipalities are obliged to incorporate undertakings from approved central and regional programs into their local plans, but may negotiate the terms. The head of the central governmental administration in the region represents the government in negotiations with the municipality. If the negotiations do not lead to an agreement, then the council of ministers will decide on the terms of the incorporation of the task in the local physical development plans.

District governments have relatively little authority in physical planning. It is stated only in the Physical Planning Act that district authorities can make analyses and studies on physical planning for the area of the district (similarly to the regional government). Moreover, the district has the right to express its opinion about the regional plan. There is also a formal requirement to acknowledge the district authority each time the municipality begins preparing a new local plan.

5.4 Environment and Natural Resources

Environmental protection is often perceived as one of the integrative functions of the state, because its aim is to guarantee the essential conditions for the life and functioning of society as a whole.⁴⁴ In a broader sense, the protection of the environment may be understood as a set of activities aimed at the maintenance of the natural environment of human existence, including care of all elements of that environment that do not always directly affect conditions of human life. This function is performed by almost all states in the world, regardless of their wealth and political system. However, the extent to which the environmental needs of the society are met depends heavily on these factors.

The protection of the environment has been recognized in the Polish constitution as one of the basic tasks of the state.⁴⁵ Moreover, the constitution states that this task must be performed in accordance with the rules of sustainable development. This statement implies that environmental protection,

understood as the ecological safety of inhabitants and the natural balance of the environment, is a task of both kinds of public administration—central government and local government. One can distinguish three groups of public administrative tasks in the area of environmental protection:

- Executive tasks—Activities that directly affect the quality of the environment. This mainly encompasses the protection of the everyday life of the community from environmentally harmful effects. Examples are sewage management and household waste management.
- Regulatory (distributive) tasks—These include formulating legal conditions of other entities whose activities have a significant impact on the environment as well as establishing limits on the use of natural resources by other entities (including emission levels) and imposing on them some duties related to environmental protection. Before the reform these tasks were mainly in the hands of the central government's regional administration.
- Monitoring, supervisory tasks—Tasks related to the monitoring of the quality of the environment. These include monitoring the observance of environmental regulations by other entities.

The first group of tasks are mainly within the purview of the municipality. It is responsible for the construction of sewage treatment plants and sewer networks, as well as for the management of solid household waste. However, the actual implementation of these tasks often requires coordination at a higher level, due to geographical features of the environment (e.g., sewage management in the entire catchment area of a river) or for economic reasons (the construction of environmentally safe waste disposal sites is expensive, therefore it is better to build one site that can serve several municipalities).

Regarding the second group of tasks, the division of powers can be characterized as de-concentration rather than decentralization, as most powers have been given to the head of the district. However, these are central government tasks, not local government tasks, therefore the head of the district (*starosta*) acts in this area under the supervision of the central government. The dividing line between the powers of the head of the district and the head of the central government regional administration (*wojewoda*) has been drawn on the basis of a law passed before the reform. This is the Act on Developments that are Particularly Harmful to the Environment and Developments that are Likely to Damage the Environment and on Environmental Impact Assessments Required for these Developments, passed on July 14, 1998. This act contains two lists of developments: those that are particularly harmful to the environment and those that are likely to cause environmental damage. As a result of the administrative reform, the first group remained the responsibility of the *wojewoda*, whereas the second was transferred to the purview of

the *starosta*. These powers entail the approval of location decisions as well as giving permission for the use of environmental resources, including the maximum emission of pollutants into the air. This situation looked likely to change with the introduction of the new Environmental Protection Law on October 1, 2001. According to this law, the above-mentioned 1988 act is to be replaced with new legislation.

Environmental monitoring and control had previously been performed by the Environmental Inspectorate, a sort of sectoral administration subordinated to the Environment Ministry. After the reform, this body was integrated into the central government's regional administration. Regional Environmental Protection Inspectors have the right to halt activities that cause environmental damage or exceed the allowed level of emission. However, every such decision must be agreed with the *wojewoda* or with the *starosta*, according to the above-described general division of regulatory powers.

All units of territorial government in Poland are obliged by the Environmental Protection Act to prepare sustainable development and environmental protection programs. No deadline has been specified nor has any specific punishment been fixed for those who do not prepare such a program. Therefore, programs have to date been prepared in those units where local governments realized the need for such a comprehensive document.

Some local government powers related to specific components of the environment and specific kinds of natural resources cannot easily be distributed, due to the very nature of the environment. Water resources are managed on a strategic level by Regional Water Boards. These have not been fully integrated in the reformed administrative system because their boundaries are mainly based on watersheds. The main legal instrument for water management is called "Conditions of the Use of Water from the Catchment Area." These documents are approved by the Environment Ministry and must be agreed with the regional assemblies of those regions in which the catchment area is located. Moreover, other local governments in the area have a right to state their opinion about the proposed conditions.

Permission for the extraction of mineral resources is mainly within the purview of the Environment Ministry, but the *wojewoda* gives permission for the extraction of common mineral resources (defined in the Mining and Geological Law). The *starosta* is entitled to give such permission, provided the area of the extraction work does not exceed two hectares and the annual yield does not exceed 10,000 cubic meters. Regulations concerning the conversion of agricultural and forest land for other uses assign the decision-making power to the ministry, the central government's regional administration and the municipality, depending on the fertility of the soil (in the case of agricultural land) and the ownership (in case of forest land). Similarly, powers to establish nature conservation areas are distributed among the ministry, the central government's regional administration and the municipality, according to the importance of the area.

Waste management powers have been divided between the district and the central government's regional administration in accordance with the general division of regulatory powers. The *wojewoda* makes decisions related to the production of waste that is particularly harmful to the environment, whereas all other decisions related to waste production are within the purview of the *starosta*. The regional government has taken over from the governmental administration the power to fix payments to be paid for the storage of waste by its producers.

All units of local government need financial resources in order to perform their tasks related to environmental protection. The collection and distribution of money for the implementation of environmental tasks is carried out in Poland by means of institutions called Environmental Protection and Water Management Funds. The general rules for managing these funds are included in the Environmental Protection Law. As a result of

Changes made to the management of regional funds consist in a slightly different composition of supervisory boards. The role of the regional government will be strengthened, as up to five members of the supervisory council may be appointed by the regional government. The entire supervisory council consists of up to ten people. The regional governmental board appoints the supervisory board. The regional board is also entitled to approve the supervisory council's annual reports on its activity. The legal supervision over the regional fund is the responsibility of *wojewoda*.

Payments for the use of environmental resources and fines paid for breaking certain laws are the main sources of income for the Environmental Protection and Water Management Funds. The proportion of particular funds that come from specific sources of revenue have been modified as a result of the reform. The reformed distribution of revenue among environmental funds is shown in the table below:

Table 4.2
Shares of Environmental Protection and Water Management Funds in Sources of Income

Source of Revenue	Municipal Fund	District Fund	Regional Fund	National Fund
Payments for the removal of trees and bushes	100%			
Payments for the storage of waste and fines for inappropriate storage of waste	50%	10%	65% of the remaining 40%	35% of the remaining 40%
Other payments for the use of environmental resources and fines for violating rules on the use of these resources	20%	10%	65% of the remaining 70%	35% of the remaining 70%

SOURCE: *Environmental Protection Law*.⁴⁶

the administrative reform and changes in the distribution of environmental tasks, significant changes had to be made in the distribution of financial resources. The most important changes are as follows:

- the establishment of District Environmental Protection and Water Management Funds;
- the change in the management of regional funds;
- the change in the distribution of revenue among all funds.

There have been four levels of such funds in Poland since the beginning of 1999: national, regional, district, and municipal environmental protection and water management funds. The first two function as separate legal entities, whereas municipal and district funds are municipal or district target funds. According to the Environmental Protection Law, financial management of all funds should be consistent with annual plans for revenues and expenses. These plans are to be approved by the supervisory councils of national and regional funds or by district and municipal councils, in the matter of municipal and district funds.

It is worth mentioning that new regulations place an upper limit on the income of the municipal and district funds. They cannot exceed by more than ten times the average national per capita income level of the previous year. Any surplus should be transferred to the regional fund. The collection and redistribution of income is the responsibility of the board of the region and the regional Environmental Protection Inspector. They operate separate bank accounts and make transfers in specified deadlines.

5.5 Jobs, Unemployment and Social Welfare

Both acts that laid the background for regional and district governments state that local governments should undertake tasks related to counteracting unemployment and stimulating the local labor market.⁴⁷ Before the reform, these tasks belonged to regional and district employment authorities, which were sectoral administrative bodies subordinated to the Ministry of Employment and Social Policy. Regional tasks to counteract

unemployment are clarified in the Act on Employment and Counteracting Unemployment. To a great extent, new regional government tasks overlap tasks that were formerly the responsibility of the head of the regional employment authority.⁴⁸ These include:

- making regional employment analyses;
- cooperating with the regional employment council in efforts to reduce unemployment;
- organizing labor exchange at the regional and inter-regional level;
- cooperating with educational authorities in planning and organizing training for unemployed people, along with other professional training;
- coordinating and organizing employment information and advisory services in the region;
- supporting employment clubs.

The rules for managing the Employment Fund have also been modified. The regional government is now responsible for planning expenditures and managing funds allocated for the implementation of labor market policy. It also distributes funds from the Employment Fund. A new responsibility for the regional government is the organization of infrastructural investments through public works programs—which are generally the tasks of local and district authorities—in municipalities and districts where the unemployment rate is particularly high. Regulations concerning the employment of foreigners have also been changed. The regional government now only establishes the criteria to be used when the employment of a foreigner is considered, whereas granting individual permits lies within the purview of the head of the district.

The district governments assumed many responsibilities that were previously assigned to the heads of district employment authorities. Most of these are central government tasks and are performed under the supervision of the central government's regional administration. The district authority maintains the register of unemployed and other people looking for jobs and provides them with proposals for employment or training. It is also the district's role to distribute unemployment benefits, pre-pension benefits and other payments. As a result, the head of the district is responsible for most decisions concerning unemployed people. He decides whether a person is recognized as unemployed and entitled to unemployment benefit or not. He also has the right to withhold any payment to the unemployed. His approval is also necessary to reimburse employers for employing young people on professional training programs.

Some tasks that were formerly the responsibility of the head of the district employment authority have been recognized as belonging to the district government. These include the following:

- helping unemployed people to find jobs and helping employers to find needed staff;
- undertakings aimed at reducing unemployment and its harmful effects throughout the district;
- acquiring funds for counteracting unemployment and stimulating the local labor market;
- initiatives aimed at job creation;
- assisting those unemployed who want to establish their own businesses;
- initiating and financing intervention and public works; organizing training programs and finding employment for recent graduates;
- cooperating with agricultural chambers in counteracting unemployment in rural areas.

In addition, the district government is obliged to prepare reports, analyses and assessments of the employment situation in the district for the Regional Employment Authority and District Employment Council.

Regulations concerning the rehabilitation and employment of disabled people have also been changed significantly. The governmental plenipotentiary for disabled people's affairs plays a coordinating role, but is no longer responsible for tasks transferred to local governments. The regional government has been obliged to prepare regional programs for the improvement of social and employment conditions for disabled people as well as for assisting in the employment of the disabled. The regional board in turn is obliged to present to the governmental plenipotentiary a list of tasks and information about activities in this field. Moreover, the board should cooperate with governmental administration, districts and municipalities, as well as with NGOs and foundations, in activities aimed at assisting disabled people.

The relevant tasks allocated to district level are shared between the district center for family assistance and the District Employment Authority. The district center for family assistance looks after the rehabilitation of disabled people, the reduction of disability effects, and the removal of barriers and obstacles to the participation of disabled people in social life. The District Employment Authority is responsible for labor exchange, training and re-training, employment advisory services, legal support and cooperation with other organizations. Both new levels of government can establish specialized centers for the rehabilitation and training of disabled people. Furthermore, subsidizing the creation of jobs for disabled people is mainly the responsibility of the head of the district. Giving credits to disabled people who want to undertake their own economic activity is also within this official's power.

Social care regulations have been modified so as to transfer a relatively large number of responsibilities from the central governmental regional administration to regional and district governments.⁴⁹ New regulations have identified new intermediate

level institutions of social care. Regional centers of social care will perform regional government tasks, whereas district centers of family assistance and district support centers are responsible for social care at district level. The involvement of newly created territorial governments in social care has resulted also in the formulation of several new tasks, of which the following are the most noteworthy:

- The organization of social care in “second families” has been defined as a governmental administration task to be performed by the head of the district. (This task was formerly allocated to educational authorities). Children can be given to the care of such families on the basis of a court decision or an agreement between the family and the head of the district. The head of the district also provides financial assistance to the “second family” to cover a part of the child’s costs of living.
- Helping some patients of social care centers to integrate into society. This involves some re-socialization centers and youth centers. It has been identified as a district government task, whereas granting some financial subsidies to people who leave such centers is a central government task performed by the head of the district.
- Crisis intervention is a proper task of the district. Crisis interventions are to be undertaken in order to prevent the malfunctioning of persons, families and communities, including those affected by violence.
- Social care homes existed long before the reform, but the reform clarified some regulations. It is now up to the head of the central government’s regional administration (*wojewoda*) to grant permits to institutions that operate social care homes. These permits may be issued conditionally if the home does not meet required standards. In such cases it is necessary to implement an improvement program up to 2006.

5.6 Health and Education

Polish health care and education systems have been the subjects of separate reforms carried out simultaneously with the administrative reform. A detailed description of their results would require a separate paper. Therefore, only the general distribution of powers is outlined below.

The recently introduced system of primary and secondary education consists of primary school (six years), the first level of secondary school (three years) called *gimnazjum*, and the second level of secondary education, which can take the form of a three-year comprehensive school, called a *liceum*, or a two-year professional school. Primary schools and the first level secondary schools are now run by municipal governments. The second level of secondary education is run by district governments.⁵⁰

However, the basic legal regulations concerning education are fixed centrally. Basic rights and responsibilities of teachers are contained in the parliamentary “Teacher’s Charter”.⁵¹ This includes the system of professional ranks of teachers and the principles of the teachers’ salaries system. Rules for the professional promotion of teachers are regulated in a separate act of the Ministry of Education.⁵² The monthly salary of the lowest ranking teacher has been fixed in the “Teachers Charter” at 82% of the basic sum defined for state employees in a separate act on the salaries of employees paid by the state. This sum is fixed every year in the national budget. A separate act of the Ministry of Education regulates minimum basic salaries for all ranks of teachers.⁵³ Moreover, teachers are entitled to several additions to their salaries (e.g. for special functions, incentive bonuses). Subsidies for education from the central budget are provided in the amount necessary to meet minimum requirements. District and municipal governments are free to pay more to teachers, but from their own resources. Therefore, local government contributions to teachers’ salaries are relatively small and may vary. District and municipal governments introduce in their schools local regulations concerning teachers’ salaries within the framework of national law.

The ministry plays a supervisory role in educational programs. It is obliged to prepare program guidelines for all subjects taught in schools. Individual teachers in turn prepare their detailed programs according to these guidelines. More ambitious teachers who want their programs to be published and disseminated countrywide must obtain the approval of the ministry. If the program is prepared only for use in a particular school it is enough if it is approved in that school. Weekly numbers of teaching hours for teachers are also defined in the “Teacher’s Charter.” The authors of educational reform intended to create smaller class sizes in schools, of 25–30 pupils. However, in reality, classes of more than 30 pupils are very common.

Some specialized secondary schools can be run by regional governments. University-level schools have preserved the autonomy they obtained in 1990. However regional governments also have some influence on this level of education. The regional assembly can apply to set up a university-level professional school. If such a school is established it will be financed by the regional government.

The health care system is still being reformed and has not yet assumed its final shape. Different forms of organization exist in this sector. Responsibilities have been distributed among different levels of government according to the general rule that basic health care is the responsibility of the municipality, while higher levels of government are responsible for more specialized health services.⁵⁴ A few highly specialized medical institutes are still subordinated to the Ministry of Health. The regional health service fund plays a key role in the new system. This is a sort of insurance institution that is responsible for the management of

money paid by all employees for health care. However, the range of medical services to be covered by this fund has not yet been defined. The medical services are provided by different institutions⁵⁵ on the basis of contracts with the regional health service fund. Hospitals are mainly run by district or regional governments, whereas basic health care may be provided by public (i.e. municipal) health centers, non-public medical companies (growing in number) or by individual practitioners. Salaries are regulated by the act of the ministry only in public health centers that are financed from the local government or state budget.⁵⁶ In non-public health centers, salaries constitute part of the cost of services provided within the contract with the regional health service fund. So it may occur in some cases (when all medical services in the area are provided by private-sector health centers) that the actual role of the municipality is limited to renting out buildings in which medical services are provided, as these buildings are municipal property. Some branches of health care have separate regulations concerning the distribution of responsibilities. For example, psychiatric hospitals are run by regional governments, whereas the districts provide psychiatric care for social welfare homes for people with psychiatric disorders.⁵⁷

5.7 Culture

The involvement of newly created units of territorial governments in the organization of the cultural life of regional and local communities is a natural consequence of the administrative reform.⁵⁸ Simultaneously the role of central government administration has been reduced. Formerly only the municipalities could exercise the local government's right to organize

cultural activity by creating cultural institutions. The administrative reform extended this power to districts and regions. The material grounding for local government cultural activities was provided by the transfer of institutions that had belonged to the central government. From January 1, 1999 districts took over from the central government those regional cultural institutions that were operating within the district. The operation of these institutions is now a responsibility of the district government. Similarly, regional governments have taken over from ministries and central authorities institutions within the region. In this way, the powers of the head of the central governmental administration have been distributed among district and regional governments. Naturally, cultural institutions of national importance remain the responsibility of the ministry and other central authorities. The minister or the head of the central authority may delegate the management of a state cultural institution to the territorial government if the latter agrees. Similarly, the territorial government may apply to the ministry or the central authority for the conveyance of the cultural institution to the territorial governments.

As regards the conservation of cultural heritage, the role of the monument protection service has been strengthened. The General Monument Protection Officer is now appointed by the Prime Minister (formerly by the Minister of Culture and Art). He maintains the national register of historic monuments. The Regional Monument Protection Officer is responsible for the protection of historic monuments in the region. He, along with the regional monument protection service, has been integrated into the central government's regional administration. However, the regional officer retained a relatively wide range of responsibilities and has relatively broad powers related to historic

Table 4.3
Main Sources of Revenue of District and Regional Governments in Poland
(According to acts on district and regional governments)

District	Region
<ul style="list-style-type: none"> • A share of taxes collected by the state as specified in legislation • Subsidies from the state budget for the provision of local services • Special purpose grants from the state budget for assignments to be carried out by district institutions on behalf of the central government • Revenues of district budgetary institutions, and proceeds of other district units • Revenues from the district's property • Interest on delayed remittance of shares, grants and subsidies by the central government 	<ul style="list-style-type: none"> • A share of taxes collected by the state as specified in legislation • Revenues from regional government property • Bequests and donations • Revenues earned by regional budgetary institutions, and payment of other regional governmental units • Interest on delayed remittance of shares, grants and subsidies by the central government

SOURCE: Kowalczyk A. "Local Government in Poland" in: T.M. Horvath, ed., *Decentralization: Experiments and Reforms* (Budapest: LGI 2000).

monuments. He approves local physical development plans (within his purview) and grants permission for any work on historic monuments. He must also approve the addition of any object to the register of monuments.

6. INCOMES OF REGIONAL AND DISTRICT GOVERNMENTS

Every unit of territorial government can perform its tasks only if adequate funds are guaranteed. Both acts on the regional and district governments contain chapters devoted to the sources of revenue for the region and the district. Lists of the main sources of income of regional and district governments are shown in Table 4.3.

Moreover, potential additional sources of revenue for both intermediate levels of government are listed in these acts. All units of the territorial government may also draw loans and issue bonds. The intention of the authors of the reform was that the regions should generate sufficient income to provide their services, therefore subsidies were not initially considered major sources of regional income. However, in the act on revenues of territorial government in 1999–2001⁵⁹ subsidies are listed among the major sources of income of regional and district governments.

The district and regional governments' share of state-collected taxes may vary over time.⁶⁰ In the act on revenues of territorial governments in 1999–2001 the district's share was fixed at 1% of personal income tax paid by inhabitants of the

district, whereas the region's share was 1.5% of personal income tax paid by inhabitants of the region and 0.5% of income tax paid by legal entities and other organizational units based in the region. Proposed legislation⁶¹ would have raised the district's share to 5.4% of personal income tax and 2% of income tax paid by legal entities, and the region's share to 1.7% of personal income tax and 1.2% of income tax paid by legal entities. The proposal also contained an incentive to create bigger local government units. Specifically, it proposed that municipalities and districts that unite to form one district or municipality would receive an additional 1% of personal income tax revenue for five years. The same regulation was proposed for cities that would lose their district status. However, the President of Poland rejected the proposed legislation, on the grounds that it would significantly reduce central budget revenues. As a result, the provisional regulations for 1999–2001 have been extended into 2002 with few modifications.

The subsidy paid by the state to the district consists of three types: education, road and equalization payments. The equalization payments are to be granted to those districts in which the index of taxable income per capita was below the highest index in 1999. The subsidy for regions consists of the same types of payment and a similar rule was adopted for granting the equalization payments. The district councils and regional assemblies decide on the allocation of the equalization payments.

The educational subsidy for all units of territorial government, including municipalities, cannot be less than 12.8% of the planned national budget revenue. The Education Ministry

Table 4.4
Revenues of New Territorial Governments in Poland in 2000

Source	Regions		Districts	
	[Thousand Zloty]	[%]	[Thousand Zloty]	[%]
Proper incomes	591,902	16.0	992,380	7.9
Legal entities tax	90,740	2.5	—	—
Personal income tax	449,071	12.1	179,655	1.4
Local government property	14,600	0.4	338,459	2.7
Other income	37,491	1.0	474,267	3.8
Purpose-specific subsidies	1,712,305	46.2	5,573,785	44.4
General subsidy	1,400,419	37.8	5,988,540	47.7
Education	424,370	11.4	4,688,938	37.3
Roads	748,173	20.2	966,173	7.7
Equalization payments	227,876	6.2	333,429	2.7
Total	3,704,627	100.0	12,554,705	100.0

SOURCE: Web pages of the Ministry of Finances, <http://www.mofnet.gov.pl>

retains 1% of this sum and the rest is distributed among municipalities, districts and regions, according to a separate act of the ministry.

According to the act on public roads, financing for the construction, modernization, maintenance and management of national, regional and district roads cannot be less than 30% of the planned revenue from excise taxes on gasoline. (This does not apply to motorways, of which there are very few in Poland.) The road portion of regional and district subsidies constitutes 60% of this sum. The Finance Minister retains 10% of this 60% as a reserve. This reserve can be allocated only for the continuation of road projects begun before January 1, 1999. Moreover, 3.5% of the remaining sum is deducted as a special road subsidy for the city of Warsaw. The rest of the subsidy is distributed among districts, cities with district status and regions on the basis of the length and density of the road network, the road infrastructure, traffic volume and accident levels, and also with the aim of balancing the development of the road infrastructure. Detailed rules and procedures for the distribution of the road subsidies are the responsibility of the central government. The importance of particular sources of district and regional government finances are illustrated by data from 2000 in Table 4.4. The biggest share was made up of purpose-specific subsidies. It indicates that the central administration still has a strong influence on the territorial governments' financial situation.

The expenditures from local government budgets in comparison with the national budget and the total amount of general subsidies from state to all levels of government are shown in Table 4.5.

municipal local governments existed) to 11.8% in 2000 (when regional and district governments were already operating).⁶²

It is envisaged that, apart from the above-described general subsidies, purpose-specific subsidies from the central budget will also play an important role in district and regional government budgets. Unlike equalization payments, the institution that grants it decides on the allocation of the purpose-specific subsidy. Thus, this is a legal instrument that on the one hand guarantees financing for local government undertakings, while on the other hand giving the institution that grants the subsidy a significant influence over the activity of the local government.

The district government is entitled to receive subsidies from the central budget for two kinds of tasks: Tasks performed by district-level services, inspectorates and guards, and central government tasks performed by the district government on the basis of separate legal regulations.

District government tasks may be also subsidized, in particular social welfare tasks and other tasks specified in separate legal regulations. Furthermore, district governments may receive purpose-specific subsidies so as to remove any threats to public safety and order. The regional government may also receive purpose-specific subsidies for professional schools established by the regional assembly, although such schools are generally financed by the regional government. All territorial governments may receive central government subsidies as co-financing for tasks to be performed within the regional contract. This sort of contract is a newly introduced component of regional development policy in Poland, therefore opportunities for implementing it will be described in more detail in the next chapter.

Table 4.5
Expenditures from National and Local Government Budgets [Thousand Zloty]

Year	National Budget	Subsidy from National Budget	Regions	Districts	Urban Districts	Municipalities
1998	139,751,500	677,100	—	—	—	47,495,100
1999	138,401,200	22,123,000	3,264,607	9,784,883	19,961,545	32,834,851
2000	156,309,815	25,867,700	3,787,133	12,664,457	23,084,444	36,210,759
2001	181,604,087	29,127,096	90,073,800 from budgets of all levels			

SOURCE: Web pages of the Ministry of Finances, <http://www.mofnet.gov.pl>

Detailed data on local government expenses in 2001 were not available at the time of writing. The figure in the table is the planned figure. The final result is likely to differ from the planned amount, due to budget cuts at the end of 2001.

Strangely enough, it seems that reform of the territorial administration has not yet led to a decentralization of public finances, as the proprietary revenue of local governments as a proportion of all public-sector revenues fell from 12.2% in 1998 (when only

7. THE CONCEPT OF A REGIONAL CONTRACT

A regional contract is a legal agreement between the regional government and the central government that provides a framework for central government support for the development of the region. Such contracts have been used in practice in France since 1982. Following the French model, the contract was formally

introduced into Polish law by the Act on Rules of Regional Development Support, dated May 12, 2000.⁶³ However, as a political fact it appeared in the reality of the economic transformation a few years earlier. This occurred in October 1995, when the then Prime Minister J. Oleksy signed the regional contract for the Katowice region.⁶⁴ As the regional government did not yet exist at that time, the 60 largest organizations and institutions represented the regional community of the then Katowice region (much smaller than the current Silesia region). Among others, representatives of the regional assembly, the Regional Economic Chamber, and the Union of Municipalities of Upper Silesia and Northern Moravia signed the contract. The term of the contract was at least twenty years, with the possibility of regular updates at least once a year. This contract contains lists of planned undertakings in the following areas: education, social security, environment, local government, economy and finance.

No specific regulations governing regional contracts existed in Poland when the contract for the Katowice region was signed. It was based only on broad rules of the government's regional policy. Its content was shaped under great pressure of social tension resulting from the economic transformation of the old industrialized region, which had the highest population density in Poland and whose economy was dominated by heavy industry (coal mining and metallurgy). The contract was also due in part to the region's strong political position. It seems very unlikely that the contract for the Katowice region will be implemented in its original form. However, the case of Katowice provided evidence that the implementation of the government's regional policy is only possible with the consent and participation of the regional community. As a result, regional contracts were introduced in Poland with the aim of providing equal opportunities for central government support to all regions, regardless of their political position, as well as introducing more credibility into relations between the central government and regional governments.

The above-mentioned Act on Rules of Regional Development Support⁶⁵ extended the possibility of making regional contracts to all newly created regional governments. The place of the contract in relation to other regional development documents was defined in this act. Moreover, the procedure for preparing such contracts was also established.

The two sides preparing the contract are the Council of Ministers, comprising central government representatives and regional government representatives. The regional contract is made so as to specify the extent, procedure and conditions for implementing the two types of tasks:

- Tasks formulated by the regional government included in regional development programs supported by the central government.
- Tasks that belong to issues supervised by ministries that are supported by territorial governments and other authorized institutions.

The minimum content of the contract is outlined in the act. Every regional contract should contain at least the following:

- duration of the contract;
- tasks included in the contract;
- procedure and time-schedule for the implementation of tasks, as well as rules for supervising the implementation;
- identification of authorized institutions;
- total expenses for the implementation of tasks included in the contract and the extent, means and sources of financing;
- accounting procedures and deadlines;
- the contents and procedure of reporting;
- rules for the assessment and control of the implementation of tasks, including financial control;
- actions to be taken in case of the disclosure of irregularities in implementation or financing;
- rules and procedures for the settlement of any conflicts or disagreements between parties to the contract, including financial claims;
- rules for canceling or changing the contract;
- rules and procedures for satisfying claims of authorized institutions in the event that the contract is cancelled or modified;
- nomination procedure, composition and tasks of the regional monitoring committee that will be in charge of evaluating the effectiveness and quality of contract implementation.

A contract can be made with a region that applies for central government support. It is the responsibility of the regional board to put forward such an application. The content of this application is also outlined in the act. It should contain the following:

- Goals for which the support is sought. The applicant should point out the compatibility of these goals with national regional development policy priorities included in the national strategy and specified in the support program.
- The list of tasks for which support is sought.
- Sources of funds for the implementation of planned tasks and the amount of funds from each source.
- Expected effects of the implementation of the tasks and indicators for the assessment of these effects.
- The form and expected amount of financial support.
- Identification of authorized institutions.
- Information on consultations carried out in connection with the application.

Furthermore, the regional board is obliged to attach the regional development strategy and the regional program to the application. Thus, the regional contract occupies the central place among regional policy documents and is at the same time the most specific one. The central government prepares two documents with which the contract should comply:

- National Strategy for Regional Development—in which the conditions, goals and directions of governmental support for regional development are specified.
- Support Program—containing the extent, procedure and conditions of central government support for the implementation of regional programs as well as for the implementation of ministerial tasks in the region on the basis of a regional contract.

The regional government in turn prepares two of its own regional policy documents that form the basis for the formulation of the application for central government support:

- Development Strategy for the Region, which should be prepared with a view to the following goals: the care of Polish identity as well as the development of a national, civic and cultural consciousness of the populace; stimulation of economic activity; the enhancement of the region's competitiveness and the innovativeness of the regional economy; the protection of the natural environment and cultural heritage, taking into account the needs of future generations; preserving and shaping the spatial order.
- Regional Programs that constitute a means of implementing the above-mentioned strategy.

Ideally, there should be full compatibility between all of these documents, and the common points of the government's Support Program and Regional Programs should be a subject of the regional contract. However, it is easy to foresee that local government expectations will exceed central government capabilities, therefore rules of negotiations are needed. The Act on the Rules of Regional Development Support specifies the following basic rules of negotiations leading to the contract:

- The regional board applies for the contract not later than one month after the announcement of the governmental Support Program.
- Having received the application, the minister acknowledges the beginning of negotiations to the head of the regional government.
- The negotiations should start not later than 30 days after the minister has received the application.
- The negotiations should end not later than 30 days after approval of the national budget.
- Both parties to the contract establish rules of negotiations with particular emphasis on decision-making in controversial issues.

- The central government party is obliged to provide to the regional government party all necessary information related to the subject of the contract.
- The regional government party is obliged to provide to the central government party information about the financial situation of authorized institutions.
- Both sides reserve the right to cancel or change the contract according to the procedure established in the Act on Rules of Regional Development Support.

Some general rules for financing regional contracts are also included in the act. The upper limit of money allocated to finance tasks specified in the Support Program is fixed in the national budget for the year following the approval of the program. If the program covers a period longer than one year, then upper limits for each year of the program should be fixed in the same national budget. The transfer of money from the central budget to units of the territorial government is to be done by the Finance Minister through the head of the central government's regional administration. Regulations concerning regional contracts do not exclude other forms of financial support for regional development that result from international agreements or other regulations. However, the possibility of financing regional development tasks not included in the contract from the central budget is limited to a few cases:

- intervention programs implemented in the event of a natural disaster or a sudden crisis, especially in the labor market and the economy;
- pilot programs implemented in order to test new instruments of regional development;
- advisory and information programs that enhance the capacity of the local government to absorb financial support for regional programs.

There are no regulations that would enable the creation of similar contracts between the central government and other levels of government, i.e., district and municipal governments. Hence the question arises: how can local governments participate in regional contracts? The national legislation provides only a very fragmentary legal framework for such participation. The regional government is obliged to co-operate with local governments when formulating a development strategy for the region. Furthermore, the regional board is obliged to consult them over the application for the regional contract. Local governments that want their tasks to be included in the regional contract should apply to the regional government. Actual forms of participation would have to be worked out during the implementation of the first regional contracts.

8. FIRST STEPS TOWARDS REGIONAL CONTRACTS

8.1 National Regional Development Strategy and the Availability of EU Funds

The Ministry of Regional Development and Construction has taken the very first step towards regional contracts by preparing the Polish National Regional Development Strategy for the period 2001–06. The government approved the strategy in December 2000.⁶⁶ The strategy contains goals and priorities of Polish regional development policy. The general goal of the policy is formulated as “creating conditions for the growth of the competitiveness of regions and counteracting the marginalization of certain areas in such a way as to support the long-term economic development of the country, its economic, social and territorial cohesion, and its integration with the EU.” Five major priorities of the strategy are:

- the development and modernization of infrastructure that enhances the competitiveness of regions;
- restructuring the economic basis of regions and creating favorable conditions for its diversification;
- the development of human resources;
- the support for areas that require stimulation and are in danger of becoming marginal;
- the development of inter-regional co-operation.

Rules and criteria for the allocation of finances within the framework of the regional development policy are also formulated in the strategy. Some estimate of funds available has been also made. It has been assumed that Poland would join the EU in 2003. EU funds are considered to be the main source of finances for implementing the strategy. The authors of the strategy expected a significant increase in EU funds after 2003, although they begin the financial chapter of the strategy with the remark that any estimate of the financial framework of the strategy is highly uncertain. Funds from the national budget are to be used mainly for co-financing regional development programs both before and after accession. The amount of money available for

implementing the strategy will depend heavily on the financial support from EU pre-accession funds (before the expected accession in January 2003) and within structural funds and the Cohesion Fund (after accession). Due to the different availability of EU finances before and after accession, the financial framework of the strategy was also divided into two stages. In the first stage (2001–02) the strategy is based on funds available within the PHARE Socio-Economic Cohesion, Cross-Border, and Institutional Enhancement programs. It is estimated that the amount of PHARE money available in this phase will reach at least EUR 420 million. The expected inflow from each program is as follows:

- PHARE Socio-Economic Cohesion—EUR 300 million;
- PHARE Cross-Border—EUR 110 million;
- PHARE Institutional Enhancement—EUR 10 million.

The first two programs are spatially restricted to border regions (Cross-Border) and to five regions selected for the Socio-Economic Cohesion Program (Warmińsko-Mazurskie, Podlaskie, Lubelskie, Podkarpackie, Śląskie). It will be necessary to provide EUR 207 million from national sources to co-finance PHARE projects. It is estimated that half of this sum will be supplied by the state budget and the other half by territorial governments and other public sources.

A separate issue is how other pre-accession funds—i.e. SAPARD and ISPA as well as other programs financed from international sources (e.g., a rural development program financed by a World Bank loan)—should be taken into account when preparing regional contracts. According to the strategy, tasks financed from these sources should be coordinated within the national regional policy if they are close to the mainstream of this policy. The coordination should encompass not only negotiating regional contracts but also a common system of steering and monitoring committees.

After accession to the EU Poland will be eligible for structural funds and for the Cohesion Fund. Therefore, it was expected that in the second stage of the implementation of the strategy the amount of EU funds available would multiply several times. The forecast of the availability of EU funds for structural activities for Poland made by the Polish Finance Ministry is shown in the table below.

Table 4.6
Forecast of EU Funds Available for Poland for Structural Activities After
Accession to the EU [EUR million]

Year	2003	2004	2005	2006	Total
Funds available	2,964	4,097	5,239	6,585	18,885

SOURCE: National Strategy of Regional Development for Poland.⁶⁷

It was assumed that the rules for distributing EU funds among member states would not be changed significantly in the meantime. However, the actual funds available will be known after negotiations with the European Commission. The expected proportions between foreign sources and national budget

allocations for implementing the strategy during 2001-06 are shown in the next table.

The remaining fifteen percent or 25% will be financed from other sources, mainly from budgets of regional, district and municipal governments. A more detailed framework for

Table 4.7
Expected Contribution of Foreign Funds and National Budget
in Financing National Regional Development Strategy in 2001–06 [Percent]

Program	Foreign Funds	State Budget	Total
Preparing public administration for the implementation of regional policy	75	10	85
Regional development programs (implemented within regional contracts)	65	10	75
Cross-border cooperation programs	60	15	75
Pilot projects	—	—	85

SOURCE: National Regional Development Strategy for Poland.⁶⁸

Table 4.8
Upper Limits of Funds Available for Regional Development Support During 2000–02 [million Zloty]

Region	National Budget	EU Input	Total
Dolnoslaskie	250.10	158.96	409.06
Kujawsko-pomorskie	269.01	122.85	391.86
Lubelskie	207.06	211.68	418.74
Lubuskie	60.24	179.55	239.79
Lodzkie	200.25	153.03	353.28
Malopolskie	297.86	122.62	420.48
Mazowieckie	720.26	25.19	745.45
Opolskie	76.89	76.53	153.42
Podkarpackie	224.75	123.81	348.56
Podlaskie	108.23	119.46	227.69
Pomorskie	273.80	72.94	346.74
Slaskie	395.21	107.18	502.39
Swietokrzyskie	257.98	110.33	368.31
Warminsko-mazurskie	170.95	109.25	280.20
Wielkopolskie	316.83	23.32	340.15
Zachodniopomorskie	120.53	184.94	305.47
Total	3,949.95	1,901.64	5,851.59

NOTE: The EU input was recalculated from euros at the rate of EUR 1 = 4 zloty.

SOURCE: National Support Program 2001–02.⁶⁹

financing the second stage of the strategy is to be formulated in the “National Development Program” and subsequent national support programs. However, the strategy estimates that a total of some 36.5 billion zloty (about EUR 10.7 billion) will be allocated for the implementing the second stage of the strategy.

The national support program for 2001–02 contains more detailed data concerning the amount of money available for the support of regional development within regional contracts. They are shown in Table 4.8.

The Polish institutional framework for the management of EU funds is to some extent independent of the administrative reform. The European Integration Committee coordinates state administrative activity in the management of foreign aid. This committee is a political body headed by the Prime Minister,⁷⁰ operating on the basis of the parliamentary act of August 8, 1996. According to this law, the committee forwards to the government proposals for the allocation of foreign aid. The committee also approved the Preliminary National Development Plan for 2001–02, which contains the main directions of allocations of financial assistance for Poland from pre-accession funds (PHARE 2, ISPA and SAPARD). The Economy Ministry, in co-operation with the Labor and Social Policy Ministry and other ministries, prepared this plan.

Responsibility for the management and implementation of particular assistance programs is scattered among some 30 institutions, including ministries, development agencies, foundations, the National Environmental Protection Fund, foreign embassies (bilateral programs) and others. The role of regional and local governments is mainly to prepare projects eligible for support. Moreover, the nationwide network of European Information Centers has been set up to disseminate information about European integration.

More detailed rules regulating the access of regional governments to funds allocated for regional programs as well as further estimates of the amount of money available within the framework of regional contracts have been developed in the next step, which is the Governmental Support Program described in the next chapter.

8.2 The Governmental Support Program

The first support program in Poland was approved by the government on December 28, 2000 and published three days later,⁷¹ then amended on April 11, 2001.⁷² It covers the period 2001–02. The general aim of the program is defined as support for the social and economic development of Poland and its particular areas in order to enhance competitiveness; to improve the quality of life; to improve social, economic and spatial cohesion in internal relations, as well as in relations with countries and regions of the European Community.

Eight types of activity that may expect support from the central budget are listed in the program:

- Entrepreneurship development, with a special emphasis on SME development, economic innovation and technology transfer.
- Restructuring selected branches of public services as well as the local and regional economy based on principles of sustainable development.
- Creation of new permanent jobs.
- Development of a technical and transport infrastructure that improves conditions for the implementation of economic investment.
- Undertakings in the field of education, including adult education.
- Undertakings in the field of regional and local culture and the protection and development of cultural heritage.
- Undertakings aimed at improving the quality of the environment.
- Other tasks related to regional development support.

The program also contains the preliminary distribution of finances among priorities of the National Regional Development Strategy. The planned share of these priorities of the total sum allocated for the support of tasks from regional programs is shown in Table 4.9.

The first three priorities may be implemented throughout the entire country. The fourth may be implemented in an area delimited according to one of the following criteria:

- per capita GNP in the region is less than 80% of the national average;
- the unemployment rate during the preceding three years was higher than 150% of the national average.

The fifth priority refers to cross-border co-operation, therefore it may be implemented only in NUTS III units, touching the land border or the coastline.

Rules for the territorial distribution of financial support are also clarified in the program. Some 80% of the total will be distributed among all regions according to the number of inhabitants. Another ten percent will be distributed according to the number of inhabitants in those regions in which per capita GNP is less than 80% of the national average. The remaining ten percent will be distributed according to the number of inhabitants living in districts where the unemployment rate has been higher than 150% of the national average for the last three years. According to these, rules the preliminary shares of regions of the financial support for tasks included in regional programs can be calculated. They are shown in Table 4.10.

The act also specifies who may perform tasks related to the support program and receive money for this purpose. The

Table 4.9
Planned Distribution of Finances Among Strategy Priorities

Priority	Preliminary Share [Percent]
1. The development and modernization of infrastructure that enhances the competitiveness of regions	50
2. Restructuring the economic basis of regions and creating favorable conditions for their diversification	15
3. The development of human resources	12
4. The support for areas that require stimulation and are in danger of becoming marginal	18
5. The development of inter-regional cooperation	5

SOURCE: The act of the Council of Ministers on the approval of the Support Program for 2001–02.⁷³

authorized institutions are regional governments, district governments, municipal governments, regional and local development agencies and institutions that support socio-economic development, private entrepreneurs, including farmers and their organizations that implement tasks included in the regional contract, as well as other institutions from outside the public sector that perform tasks included in regional contracts.

In addition, the program provides guidelines for preparing applications for regional contracts. It outlines the content of

the application and a set of criteria against which applications will be assessed.

Special emphasis has been placed on the monitoring, control and assessment of the implementation of the Support Program. Monitoring committees are to be established at the central level and in each region. Reporting procedures have also been established. The effectiveness of the use of public money allocated for the implementation of the program is to be assessed with regard to the following aspects:

Table 4.10
Planned Distribution of Financial Support Among Polish Regions for 2001–02

Region	Planned Share [Percent]
Dolnoslaskie	7.72
Kujawsko-pomorskie	5.68
Lubelskie	7.30
Lubuskie	2.79
Lodzkie	5.69
Malopolskie	6.67
Mazowieckie	11.26
Opolskie	2.71
Podkarpackie	7.04
Podlaskie	3.99
Pomorskie	5.84
Slaskie	10.19
Swietokrzyskie	4.62
Warminsko-mazurskie	6.49
Wielkopolskie	7.05
Zachodniopomorskie	4.96
Poland	100.00

SOURCE: The act of the Council of Ministers on the approval of the Support Program for 2001–2002.⁷⁴

- The overall impact of the implementation of the Support Program on progress towards the social, economic and spatial cohesion with countries and regions of the European Community as well as on the implementation of goals defined in the national strategy and the Support Program.
- The effect of the implementation of priorities specified in the Support Program and included in regional contracts on the socio-economic situation of regions.

8.3 A Sample of the Contract —The Case of Małopolska Region

Małopolska (Little Poland) is a region of southern Poland with its administrative center in Krakow. The regional government adopted the “Development Strategy for Małopolska Region” on August 28, 2000 and the “Regional Operational Development Program for Małopolska for 2001–02” on December 18, 2000. The regional board prepared the application for financial support from the central budget in accordance with guidelines set out in the governmental Support Program.⁷⁵ The application with all required attachments was delivered to the Ministry of Regional Development and Construction on January 30, 2001.

The application consists of the following:

- description of the socio-economic structure of the region;
- summary of the regional development strategy;
- description and justification of priority selection;
- description of actions within each priority;
- complementary programs;
- financial plan;
- methods of implementation.

The description of the socio-economic structure of the region contains basic information about Małopolska’s human resources, economy and natural environment. Special attention was given also to agriculture and the development of rural areas, where a significant part of the population lives. Małopolska is one of the most attractive regions for tourism, therefore a separate sub-chapter of the description is dedicated to tourism. Another sub-chapter is devoted to technical infrastructure in the region, as the gap between the total settlement area and the area fully equipped with infrastructure is still large. The whole description is summarized with a SWOT (Strengths Weaknesses Opportunities and Threats) analysis of the region.

The Regional Development Strategy for Małopolska has been summarized mainly by recalling the development model adopted in the strategy. This model contains four main fields of the strategy:

- inhabitants—their qualifications and attitudes;
- economy—capital and technologies;

- environment and landscape;
- links—transport, communications and cooperation.

The entire strategy has been placed in the internal context of regional integration and in the external context of European integration.

Ten priorities have been selected from among 30 strategic goals formulated in the strategy. The selection was based on the assumption that the selected priorities, if implemented, would be the driving forces of the implementation of the overall strategy. The following priorities were selected:

- a flexible education system easily adaptable to socio-economic changes;
- the infrastructure necessary for the development of an information society;
- a common regional information market;
- an environment that promotes entrepreneurship and activity of citizens;
- the rational management of the natural environment;
- innovative firms;
- developed industries of regional opportunity;
- a developed business environment;
- high level of investments;
- well-developed transport links with surrounding areas.

More detailed specific actions were identified and described within each priority. For example, the last listed priority included the modernization of the network of major roads; the modernization of border crossings and roads leading to them; the development of Krakow airport and the modernization of the bus station in Krakow.

Complementary programs are programs that are simultaneously being implemented in the region and undertakings of regional importance are included within them. In the case of Małopolska there are several programs. The first contains projects that commenced a few years before the reform and that will be continued. Three such projects are under construction in Małopolska: a dam and water reservoir on the Skawa river, a weir on the Vistula river and the construction of a new university campus in Krakow. Several other projects important for the development of the region are being implemented with the support of international and foreign assistance: the restructuring of coal mining and metallurgical industries is supported by PHARE 99 funds (only a small fraction of these funds is to be spent in Małopolska, as the project is being implemented mainly in the Silesia region); the construction of a new bridge and border crossing to Slovakia, financed from the PHARE Cross-Border fund; an inventory of post-industrial and waste storage sites is being prepared with Danish support; and a few other environmental projects are being implemented with international support. Moreover, the region has been included in the Rural Development Program co-financed by the World Bank.

The acquisition of necessary funds is essential to the implementation of tasks included in the application. Hence, the financial plan has to be attached to the application. The financial plan attached to the application from Malopolska contains a list and summary of all funds granted to the region by the state budget. The upper limit of total expenses from the state budget for Malopolska is approximately 402.75 million zloty. The financial plan contains a planned distribution of this sum among regional tasks grouped according to priorities of the national regional development strategy.

The final part of the application⁷⁶ is dedicated to ways of implementing the contract. The proposed system for managing the implementation comprises several bodies, whose role is described in the application. The bodies are as follows:

- Steering Committee—the regional board, responsible for coordinating the whole program.
- Implementation Committees—five such committees are to be established. Each of them will deal with one of five strategic goals specified in the regional strategy. Their role will be to analyze, prepare, to state opinions on and to recommend to the steering committee actions implied by the regional strategy and the regional contract.
- Monitoring Committee—established and acting in accordance with rules specified in the governmental support program. It is to be a supervisory and controlling body. Authorized institutions responsible for specific tasks of the contract deliver regular reports to the monitoring committee.
- Authorized Institutions—mainly local governments within the region; regional and local institutions that support social and economic development, as well as university-level schools and other bodies that may perform tasks included in the contract.
- Payment Unit—the head of the central government administration in the region (*wojewoda*), responsible for the transfer of money from the national budget to authorized institutions.

As the monitoring committee does not function permanently, it is proposed that there should be permanent monitoring of the implementation of the contract, regardless of the activity of the committee. The head of the central government administration in the region is obliged to prepare annual and final reports on the implementation of the regional contract.

Additionally a separate sub-chapter of the application contains a description of the consultation process and public participation in work on the regional development strategy and in the formulation of the application.

The Malopolska application for financial support from the national budget was then a subject of negotiations between the regional and central governments. It was finally signed on June 19, 2001.⁷⁷ The contract, with all appendices, runs to about 300 pages. It contains a list and a descrip-

tion of priorities, tasks and actions to be implemented. The total amount of money allocated for the implementation of the contract is 887,264,500 zloty and EUR 38,081,000. The amounts allocated from particular financial sources are shown in Table 4.11.

Moreover, the contract encompasses money to be distributed among regions, but the amount was unknown when the contract was signed. It is also stated in the contract which sums may change and for what reasons. For example, the EU contribution may change and may result in changes to the required co-financing from the national budget.

8.4 Other Contracts

Fifteen regional contracts were signed on June 19, 2001. The contract for the Warminsko-Mazurskie region was signed a few days later, on June 22. The total value of all contracts amounts to some 13 billion zloty. The distribution of financial support from the central budget is illustrated with data for 2002 contained in the following table. The total planned expenses of the national budget for 2002 was 183,970 million zloty. This figure was taken as a basis for calculating the percentage allocated to each region. Data in Table 4.12 do not include input from the national budget necessary for co-financing EU projects.

9. CONCLUSIONS

Administrative reform has not been completed in Poland, nor has the process of creating an intermediate level of government been finished. The National Regional Development Strategy will have to be modified due to the delay in EU accession. Bearing in mind changes made to the national budget for 2001 and the hot debate over the 2002 budget, it is easy to foresee that financial estimates included in the strategy and the National Support Program will have to be recalculated. Moreover, the parliamentary election of September 2001 resulted in a significant change in the composition of parliament as well as a change of government in Poland. The implementation of reforms is now in the hands of different groups of people. Therefore, any conclusion concerning the effects of the reform should be considered more preliminary than final. So, the following reflections on effects of the reform made with reference to initial expectations should be verified when more evidence and data is collected.

- *Are new Polish regions better positioned for the shift from EU accession funds to EU structural funds?*

The very existence of the regional governments is not a precondition to EU accession, and there are no requirements concerning the size of administrative units or the number of tiers of government. The new regions meet the eligibility criteria for

Table 4.11
Financing the Regional Contract for Malopolska Region

Source	Financial Input	
	[Zloty]	[EUR]
State budget	297,857.0	
Funds at ministers disposal	269,435.8	7,426.0
Special funds for co-financing sport-related developments	36,000.0	
EU budget		30,655.0
Regional budget	34,236.1	
District budgets	9,326.3	
Municipal budgets	129,023.0	
Total	887,264,500	38,081,000

SOURCE: *Kontrakt wojewodzki dla wojewodztwa malopolskiego na lata 2001–02 (Regional Contract for Malopolska Region for 2001–02)*.

structural funds for 2000–06 as well as the old ones did. Furthermore, Poland has a chance to join the EU by the end of this period, when new rules will be formulated. The ongoing uncertainty about the final date of EU accession means that the implementation of programs based on the expectation of a quick increase in EU funds is also uncertain. In such a situation, other aspects of regionalization (not related to accession) become more important. It seems that the main advantage that new regions have over the old ones is that new regional centers are better equipped with the qualified human resources necessary to act effectively in the international arena. International co-operation as well as competition among regions is already taking place and will take place regardless of the final result of Polish accession efforts. Fruitful co-operation and successful competition both require that not only purely administrative staff but also representatives of other institutions working for regional development and experts from the academic sector must join forces for the sake of the whole regional community.

- *Will the reformed governmental administration be more efficient?*

The new administration has been in operation for too short a period to assess its actual efficiency. However, the potential for enhanced efficiency has been created because the bulk of responsibilities concerning individual citizens have been transferred from the earlier regions to districts and municipalities. On the other hand, not all the good intentions of the authors of the reform have been implemented and there are some potential risks that not everything will work smoothly. Not all sectoral administration has been fully integrated into the new regional administration. Some sectoral bodies retained their separate territorial structures, such as the forestry authorities and security authorities. The structure of Water Management Boards

is based on river catchment areas, as is reasonable. However, it is controversial that the territorial structure of judiciary institutions is not in harmony with the new administrative division of the country. In addition, some regulations concerning local government property are not satisfactory for new local governments. In spite of several efforts, local governments were not granted shares in companies whose property was built by local communities, for example energy supply companies, the telephone company and car transport companies.⁷⁸

Finally, the real efficiency (or inefficiency) of the new administration will be seen in practice. It may be noted that regions and districts are still mainly financed by central budget subsidies. Proprietary revenues still constitute only a small proportion of district budgets. This raises a reasonable concern about the performance of this level of government.

- *Will regional communities benefit from regional contracts?*

It is obvious that the very introduction of the regional contract will not increase the amount of money available for the implementation of regional programs. Bearing in mind that 80% of the sum available for 2001–02 is to be distributed according to the number of inhabitants, it seems unlikely that regional disparities in Poland will be removed soon. So the importance of the regional contract consists not in money but in the fact that it provides a legal framework for activities that previously took place. Representatives of local and regional communities had been seeking central government support in many ways long before the administrative reform. Some of them paid countless visits to central officials without any guarantee of success, some exploited the region's political power (e.g. Upper Silesia, which won a regional contract before such contracts were formally introduced into Polish law); others tried to use informal influence so as to make more or less informal contracts. The

Table 4.12
 Allocations from the National Budget within Regional Contracts for 2002

Region	[Thousand Zloty]	Percent of Budget
Dolnoslaskie	124,421	0.07
Kujawsko-pomorskie	100,630	0.05
Lubelskie	123,160	0.07
Lubuskie	11,000	0.006
Lodzkie	99,600	0.05
Malopolskie	182,250	0.10
Mazowieckie	347,050	0.19
Opolskie	33,910	0.02
Podkarpackie	96,000	0.05
Podlaskie	25,500	0.01
Pomorskie	151,880	0.08
Slaskie	202,400	0.11
Swietokrzyskie	122,000	0.07
Warmińsko-mazurskie	101,030	0.05
Wielkopolskie	235,670	0.13
Zachodniopomorskie	43,500	0.02
Total	2,000,001	1.08

SOURCE: Web pages of the Ministry of Finances, <http://www.mofnet.gov.pl>.

situation was open to corruption and other forms of abuse. The formal introduction of regional contracts has brought opportunities to clarify this situation and a greater potential for transparency in relations between regional governments and the central government. Simultaneously the management of limited resources from the national budget presents a new challenge to regional governments. It is up to them to establish fair rules for the redistribution of central government funds within their regions so as to prevent the increase in internal disparities within large regions. They are responsible for the selection of priorities and they take the political risk resulting from the dissatisfaction of those whose proposals are rejected.

- *Is the cross-border cooperation of regions likely to be influenced by the reform?*

The cross-border inter-regional cooperation is one of the priorities of the National Regional Development Strategy. It was to

receive five percent of the total amount of finances included in the government support program. Bearing in mind that this five percent can be allocated only to regions adjacent to the borders, this is a significant sum for them. The share of cross-border tasks in the sum contracted to a particular region can be higher (e.g., in the application of Malopolska it is seven percent). As far as one can conclude from fragmentary data about the Malopolska region, central government support will be allocated mainly for cross-border infrastructure. This creates better conditions for the development of cross-border cooperation. However, the infrastructure is not yet part of the cooperation. It seems that the administrative reform has only an indirect influence on cross-border cooperation. The development of cross-border cooperation remains in the hands of local communities, and it will occur in these areas on both sides of the border where the opportunities for mutual benefit are accompanied by the political will of local governments (municipalities and districts) and by initiatives of individual people.

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