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“Promoting Spatial Development by Creating COMmon MINdscales”



The Republic of POLAND

English language version

I. Constitution, government, and administration

1. The constitutional system

1.1. The basic constitutional rules

The supreme law of the Republic of Poland is the Constitution. The provisions of the Constitution shall apply directly, unless the Constitution provides otherwise. According to the Constitution adopted on April 2nd 1997 the Republic of Poland is the common good of all its citizens. The Republic of Poland is a democratic state ruled by law and implementing the principles of social justice. The Republic of Poland is a unitary state. Supreme power in the Republic of Poland is vested in the nation. The nation exercises such power directly or through their representatives. A nationwide referendum may be held in respect of matters of particular importance to the state.

The political system of the Republic of Poland is based on the separation of and balance between the legislative, executive and judicial powers. Legislative power is

vested in the Sejm and the Senate (lower and upper house of parliament), main executive power is vested in the President of the Republic of Poland and the Council of Ministers, and the judicial power is vested in the independent courts and tribunals.

The Republic of Poland ensures freedom of the press and other means of social communication. The Republic of Poland ensures freedom for the creation and functioning of trade unions, socio-occupational organizations of farmers, societies, citizens' movements, other voluntary associations and foundations.

1.3 Main specifics of the constitutional system

The economic system

A social market economy, based on the freedom of economic activity, private ownership, and solidarity, dialogue and cooperation between social partners, shall be the basis of the economic system of the Republic of Poland. The Republic of Poland shall protect ownership and the right of succession. Expropriation may be allowed solely for important public purposes and for just compensation. Limitations upon the freedom of economic activity may be imposed only by means of statute and only for important public reasons. The basis of the agricultural system of the state shall be the family farm.

The territorial system

According to the Constitution the territorial system of the Republic of Poland shall ensure the decentralization of public power. The basic territorial division of the State is determined by statute, allowing for the social, economic and cultural ties which ensure to the territorial units the capacity to perform their public duties. The institutions of the state have competence at one of the four levels of territorial division: central (country), regional (voivodship), supra-local (county), and local (commune).

Regional level

On the 31st of December 2006 the territory of Poland (312 683 sq. km) was divided into 16 voivodships corresponding with level NTS 2. For statistical purposes two additional levels of territorial division without any administrative or self-government competences and bodies were introduced. They correspond with level NTS 1 (6 regions including several voivodships), and with level NTS 3 (45 subregions including

several counties within a voivodship). In the near future the number of subregions will increase up to 66.

Supra-local level

In Poland, on the 31st of December 2006 there were 314 counties, and 65 cities with a county status, i.e. in total 379 supra-local territorial units corresponding with level NTS 4.

Local level

In Poland, communes can be urban (called 'towns' in short), urban-rural and rural ones. Urban-rural communes comprise local communities with a town possessing municipal rights and rural areas, deprived of such rights. The communal auxiliary units are districts (estates) in towns and villages in rural communes.

On the 31st of December 2006 there were 2478 communes, including 65 urban communes (towns) with a county status. Those units correspond with level NTS 5. There were 889 localities with municipal rights, 307 of them as separate urban communes (towns), and 582 as urban-rural communes. The rest was constituted by 1589 rural communities. The number of villages (in all types of communes, even the urban ones) amounted to 40 328.

The territorial self-government

According to the Constitution the inhabitants of the units of basic territorial division shall form a self-governing community in accordance with law. Local government shall participate in the exercise of public power. The substantial part of public duties which territorial self-government is empowered to discharge by statute shall be done in its own name and under its own responsibility.

Territorial self-government is not a new institution in Poland. It functioned effectively before WW II and in the first post-war years. It was abolished only in 1950 and replaced by a system of the so-called territorial uniform national authority (national councils) based on the Soviet model. Political changes in the years 1989-90 made it possible to go back to the institution of the territorial self-government, first at the local (commune) level and at present also at the supra-local (county) and regional (voivodship) level. Subjectivity of local communities became a reality.

According to the Constitution, territorial self-government performs public tasks not reserved by the Constitution or statutes to the organs of other public authorities. The commune is the basic unit of territorial self-government. Other units of regional and/or local self-government (voivodship and county) shall be specified by statute. Units of territorial self-government possess legal personality. They have rights of ownership and other property rights. The self-governing nature of units of territorial self-government is protected by the courts. Public duties aimed at satisfying the needs of a self-governing community are performed by units of territorial self-government as their direct responsibility. If the fundamental needs of the state shall so require, a statute may instruct units of territorial self-government to perform other public duties. The mode of transfer and manner of performance of the duties so allocated are specified by statute. The administrative courts shall settle jurisdictional disputes between units of territorial self-government and units of government administration.

Units of territorial self-government shall be assured public funds adequate for the performance of the duties assigned to them. The revenues of units of territorial self-government consist of their own revenues as well as general subsidies and specific grants from the state budget. The sources of revenues for units of territorial self-government are specified by statute. Alterations to the scope of duties and authorities of units of territorial self-government shall be made in conjunction with appropriate alterations to their share of public revenues. To the extent established by statute, units of territorial self-government shall have the right to set the level of local taxes and charges.

Units of territorial self-government perform their duties through constitutive and executive organs. Elections to constitutive organs are universal, direct, equal, and are conducted by secret ballot. The principles and procedures for submitting candidates and for the conduct of elections, as well as the requirements for the validity of elections, are specified by statute. The principles and procedures for the election and dismissal of executive organs of units of territorial self-government are specified by statute. The internal organizational structure of units of territorial self-government shall be specified, within statutory limits, by their constitutive organs. Members of a self-governing community may decide, by means of a referendum, matters concerning their community, including the dismissal of an organ of territorial self-government established by direct election. The principles of and procedures for conducting a local referendum are specified by statute.

The legality of actions by a territorial self-government is subject to review. The organs exercising review over the activity of units of territorial self-government are: the Prime Minister and voivods and regarding financial matters – regional audit chambers. On a motion of the Prime Minister, the Sejm may dissolve a constitutive organ of territorial self-government if it has flagrantly violated the Constitution or a statute. Units of territorial self-government have the right to associate. Each unit of Polish territorial self-government (voivodship, county, and commune) has the right to join international associations of local and regional communities as well as cooperate with local and regional communities of other states.

The political parties

The Republic of Poland ensures freedom for the creation and functioning of political parties. Political parties shall be voluntary organizations and guarantee the equality of Polish citizens, and their purpose shall be to influence the formulation of the policy of the state by democratic means. The financing of political parties shall be open to public inspection. Political parties and other organizations whose programs are based upon totalitarian methods and the modes of activity of nazism, fascism and communism, as well as those whose programs or activities sanction racial or national hatred, the application of violence for the purpose of obtaining power or to influence the state policy, or provide for the secrecy of their own structure or membership, shall be prohibited.

The transformation since 1989 brought fundamental change to the political and party system in Poland. The Polish United Workers' Party (PZPR), which had previously enjoyed political and ideological hegemony, was obliged to relinquish this status in favour of political pluralism. Initially, the political divide was a clear-cut line between groups and parties that emerged from the “Solidarity” movement, and the post-Communist groups. Currently, this division has become somewhat vaguer and of lesser effect, and in many ways the Polish political scene now resembles European and world patterns.

Thus, the political parties in Poland represent a broad range of public consensus, with groups which may be classified as social-democratic, liberal, conservative, national, rural-interest, or populist. There are also small radical groups with a negligible amount of public sympathy. Some observers of the Polish political scene have endeavoured to define a traditional division into left-wing, right-wing, and centre,

but in practice very few of the existing parties may be accurately described in terms of such definitions. The most important political parties, represented in the Polish Parliament are (alphabetically ordered):

- The Civic Platform (PO)
- The Democratic Left Alliance (SLD)
- The Law and Justice (PiS)
- The Polish People's Party (PSL)

The Civic Platform (PO) was created in 2001 by former members of the Democratic Union (UD) and the Electoral Action Solidarity (AWS) parties. The Civic Platform represents the democratic-liberal, Europe-oriented, young and well educated, metropolitan electorate, business circles, as well as all who want a wholesome and robust state based on a free-market economy and the principle of competition.

The Democratic Left Alliance (SLD) was created in 1999 from several social democratic groups predominantly deriving from the former Social Democracy of the Republic of Poland. Some of its members are the former supporters of the Polish United Workers' Party (the communist party), but the SLD is a modern social-democratic party, combining concern for working people with a responsible state financial policy.

The party "Law and Justice" (PiS) was created in 2001 and is a nationalist and conservative party which cherishes the traditions of independence and derives from the Solidarity movement of the 1980s. PiS represents a conservative, less educated, small-town and rural electorate which favours a traditional social order, strong state intervention in economy, a strong and wholesome state, the principle of law and order and a resolute fight against crime and corruption.

The Polish People's Party (PSL) is a modern rural-interest party; it sees itself as a centre party. PSL represents the interests of farmers and agricultural employees, residents of rural areas and country towns. The PSL looks back to the political traditions of the large agrarian communities in Poland before the Second World War and Stanisław Mikołajczyk's PSL, which was the only independent political party tolerated in a brief spell from 1945 to 1947.

2. The political and administrative system

2.2. The central level

The central legislature

The Polish Parliament consists of two legislative bodies. The lower house is called Sejm, and Senate is the upper house. 460 elected deputies sit in Sejm, and 100 senators in the Senate. Candidates standing for Sejm must be citizens of Poland, enjoying full public rights and aged at least 21 on the day of the election. Candidates to the Senate must be 30 years old.

Deputies (members of Sejm) are returned for the electoral constituency where they won their mandate. Most constituency borders coincide with those of one or several communes. In large cities constituencies may be smaller in area. During a parliamentary vote, neither members of Sejm nor senators are bound in any way by the instructions of their electorate, but do have the constitutional obligation to be guided by the well-being of the entire Republic.

The Polish political system is based on a party system. In the parliamentary, presidential, and local elections candidates supported by significant political parties stand a better chance of success. Parliamentarians belonging to the same political group create their parliamentary "clubs" within the Sejm and Senate. In practice most of the bills and legislative amendments are brought to the House through the parliamentary clubs.

Parliamentary deputies participate in Sejm sessions and have the right to question members of the Council of Ministers; they work in numerous, permanent or special, committees attached to Sejm or Senate, and established to review various issues related to state administration and public life.

Parliamentary work is coordinated by its statutory bodies:

- Marshals (Speakers) of the Sejm and Senate
- Sejm and Senate Boards (marshals and deputy marshals)
- The Caucus of Seniors (marshals, deputy marshals and chairpersons of parliamentary clubs)
- Sejm and Senate committees

The central executive

The President

The President plays an important but rather formal role in the Polish political system. In accordance with the current Constitution, the President of the Republic of Poland is the head of state, the supreme representative of Poland and the guarantor of the continuity of government. This means that the President heads the executive authority, is appointed to represent Polish interests on the international arena, ensures the observance of the Constitution, and is responsible for the security of the state. The President calls elections to Sejm and Senate and in extraordinary situations has the right to shorten their terms. He can call a national referendum in matters important for the state, requiring the decision of all the citizens (e.g. concerning the accession to the European Union).

The President has a free choice in selecting the Prime Minister, yet in practice he usually does not give the task of forming a new government to a politician who does not command a majority in Sejm.

The President has the opportunity to influence directly the legislative process by using his veto to stop a bill; however, his veto can be overruled by a 3/5 majority vote in the presence of at least half of the statutory number of members of Sejm (230). Before signing a bill and making it law, the President can also ask the Constitutional Tribunal to verify its compliance with the Constitution, which in practice bears a decisive influence on the legislative process.

In his role of supreme representative of the Polish state, the President ratifies and revokes international agreements, nominates and recalls ambassadors and accepts the accreditations of representatives of other states. The President also makes decisions on the award of state titles, degrees, ranks, distinctions and orders. In addition, he has the right of clemency, namely he can dismiss final court verdicts (in practice, the President consults such decisions with the Minister of Justice).

The President is also the Supreme Commander of the Armed Forces. He appoints the Chief of General Staff and the commanders of all the armed forces: the Land Forces, the Air Forces, and the Navy. In wartime he nominates the Commander-in-Chief of the Armed Forces and can order general mobilization. The President performs his duties with the help of the following offices: the Chancellery of the President, the Office of National Security, and the Body of Advisors to the President.

The Council of Ministers (Government)

The Council of Ministers (Government) consists of the Prime Minister (officially the Chairperson of the Council of Ministers), ministers, heads of departments of ministerial rank, and heads of some central institutions. The Council of Ministers is the body which exercises executive power. Under the Public Administration Branches Act the Prime Minister enjoys a considerable degree of freedom in decisions concerning its personnel.

The Council of Ministers also manages the current policy of state, ensures the execution of the law by issuing ordinances, coordinates and controls the work of government administrative bodies, ensures public order and the internal and external security of the state, protects the interests of the State Treasury, approves the draft of the budget, and supervises its execution. The Council of Ministers also signs international agreements which require ratification, and can revoke other international agreements.

Members of the Council of Ministers are jointly responsible to Sejm for the operation of the government; they can also be individually responsible for the tasks entrusted to them by the Prime Minister or falling within the authority of their ministries. Any breach of the law or crime related to the offices they hold carry the risk of trial before the State Tribunal, a special court appointed by Sejm, in which members of Sejm act as judges.

The Prime Minister may create, combine, or dissolve departments, change their area of responsibility, and even apply to the President to expand the Council of Ministers to include ministers without portfolio, or coordinators for projects performed by the Council of Ministers, e.g. reform of the educational system or health service. Designated Prime Minister is free to select his co-workers - members of the Council of Ministers. The government he selects must be approved by the Sejm by granting him the vote of confidence, what in practice requires the parliamentary majority. Ministerial nominations are signed and handed out by the President of the Republic of Poland.

The Prime Minister represents the Council of Ministers and directs their work, supervises territorial self-government within the guidelines and in ways described in the Constitution and other legislation, and acts as the superior for all government administration workers.

At the same time, the Prime Minister may fulfill the duties of a department head or a committee chairman. The Prime Minister may also be a deputy of the Parliament. He cannot, however, hold the post of the President or any other high state office such as the Chairman of the NIK (Supreme Chamber of Control), Chairman of the NBP (National Bank of Poland) or a Civil Rights Spokesman (Ombudsman).

The Constitution of the Republic of Poland safeguards a stable rule of parliamentary majority, so the dismissal of the Prime Minister from his post before the end of the term of the Sejm is complicated and difficult to achieve. Due to dispersion of Polish political scene, most of governments created under democratic conditions since 1990 were result of a coalition.

The Prime Minister dissolves the Council of Ministers at the first session of the newly elected Sejm, as well as in the case of: failure to pass by the Sejm of the vote of confidence for the Council of Ministers, passing of the vote of no confidence, or resignation for any other reasons. Accepting the resignation of the Council of Ministers, the President of the Republic asks them to continue to perform their duties until the new Council of Ministers has been selected, thus preserving the continuity of government and control over the actions of the government administration.

The Council of Ministers is represented in the different voivodships of the country by its voivodes or regional governors. There are 16 of them - one for each voivodship. The voivodes supervise the state administration within the territory of their voivodship.

The judiciary

In Poland the courts, with the Supreme Court at their head, together with the independent State Tribunal and Constitutional Tribunal, ensure the independence of the judiciary.

The Supreme Court

The Supreme Court is the court of last resort of appeal against judgments in the lower courts. It also passes resolutions to clarify specific legal provisions and resolve disputable questions in specific cases. The Supreme Court supervises the adjudication in:

- General courts – these are district, voivodship, and appeal courts. They adjudicate in the areas of civil, criminal, family and labor law.

- Military courts – that is circuit and garrison courts. They deal with matters relating to crimes committed by soldiers in active service, civilian employees in military units, and prisoners of war.
- Administrative courts - a separate court system which deals with adjudication on the legal compliance of decisions taken by administrative bodies. It also settles cases between legal persons (corporations) or private citizens and administrative bodies.

The President of the Republic of Poland appoints Supreme Court judges. This is done upon a motion of the National Judicial Council. The President also selects the First President of the Supreme Court from candidates presented by the General Assembly of the Supreme Court of Justice. The First President of this Court holds office for a six-year term, though he or she may be dismissed by Sejm upon a motion by the President of the Republic of Poland.

The Constitutional Tribunal

The Constitutional Tribunal is a judicial body established to resolve disputes on the constitutionality of the activities of state institutions; its main task is to supervise the compliance of statutory law with the Constitution of the Republic of Poland. The Constitutional Tribunal adjudicates on the compliance with the Constitution of legislation and international agreements (also their ratification), on disputes over the powers of central constitutional bodies, and on compliance with the Constitution of the aims and activities of political parties. It also rules on constitutional complaints. The Constitutional Tribunal is made up of 15 judges chosen by Sejm for nine-year terms. They are fully independent. The Constitutional Tribunal constitutes one of the formal guarantees of a state grounded on the rule of law.

The Tribunal of State

The Tribunal of State is the judicial body, which rules on the constitutional liability of people holding the highest offices of state. It examines cases concerning the infringement of the Constitution and laws or crimes committed by the President of the Republic of Poland, members of the Council of Ministers, the President of the Supreme Chamber of Control (NIK), the President of the National Bank of Poland (NBP), heads of central administrative offices and other senior state officials.

The Tribunal of State is empowered to rule for the removal of individuals from public office, to impose injunctions on individuals against their appointment to senior offices, to revoke an individual's right to vote and to stand for election, to withdraw previously awarded medals, distinctions, and titles of honour and in criminal cases to impose penalties stipulated in the criminal code.

The composition of the Tribunal of State is established at the first sitting of each new Sejm and is binding for its term. The head of the office is the First President of the Supreme Court. His two deputies and 16 members of the State Tribunal are chosen from outside the Sejm. Members of the State Tribunal must hold Polish citizenship, may not have a criminal record or have had their civic rights did not revoke, nor may they be employed in the state administration.

2.3. The regional level (voivodship)

Public administration at the voivodship level is of a dual nature. Since a voivodship is a unit of a territorial self-government, administration is run by the organs of the voivodship self-government on one side, and the organs of public administration in the voivodship on the other. The bodies of self-governmental administration in a voivodship are voivodship legislative body and voivodship executive body.

The regional self-government

Voivodship as a self-governmental community has a different range of tasks than a commune or a county. Both communities act independently. The tasks of a voivodship are focused on the function of a regional character and they comprise mostly three categories of issues:

- shaping and keeping the spatial order,
- stimulating the economic enterprise and carrying out the development policy in a voivodship,
- preserving cultural and natural heritage.

The aim of a voivodship territorial self-government is to create a regional development and provide for public services of a regional character and range. The essential instruments in creation of a regional development are: voivodship development strategy including the regional operational programs, many years

standing sector voivodship programs (e.g. environmental protection, innovation support, and transportation development) and voivodship spatial management plan.

While executing its tasks a voivodship may establish on its territory commonly binding local acts of law. Establishment of those regulations may come about based on the statutory authorization and within its limit. Those regulations can be exclusively established by a regional legislative body – the voivodship parliament. Simultaneously, in cases of high importance for a voivodship, a referendum can be carried out.

A representational way of holding authority in a voivodship is a rule. For that reason the following bodies are established in a voivodship: voivodship parliament and voivodship board.

The voivodship parliament

Voivodship parliament passes resolutions while voivodship board has a controlling function. The competence of the voivodship parliament comprises issues essential for the execution of aims of the regional self-government, as follows:

- passing the voivodship development strategy and voivodship programs,
- passing the voivodship spatial management plan,
- passing and controlling the execution of a budget,
- enacting local acts of law, including a voivodship statute,
- appointing and dismissing the voivodship board,
- passing resolutions in a more important wealth (material) issues of a voivodship.

Term of office for the voivodship parliament lasts 4 years, counting down from the day of election. The body appoints its chairperson from its own circle. Commissions of a voivodship parliament may consist exclusively of the elected members of the voivodship parliament.

The voivodship board

The executive organ of voivodship self-government is a voivodship board. Differently from a communal self-government, it is a voivodship board, and not a voivodship legislative body, that is an agency of general competence. It means that the board manages all the issues, which are under the supervision of voivodship self-

government, unless those issues were restricted by legal means to other subjects.

The tasks of a voivodship board comprise especially:

- execution of resolution passes by the voivodship parliament,
- preparation of a budget project and execution of a voivodship budget,
- preparation the voivodship development strategy
- preparation and realization of voivodship programs (in the years 2000-2004 the so called “voivodship contracts”, in the years 2004-2006 the integrated regional operational programs in the Community Support Framework – Phare ESC, Crossborder, SAPARD i ISPA, and at the moment the regional operational programs in the framework of the National Cohesion Strategy 2007-15),
- preparation the voivodship spatial management plan,
- management of the material wealth of a voivodship,
- management, coordination and control of the activity of a voivodship organizational units.

The board consists of 5 people. It is headed by the voivodship marshal. Members of the board may be elected from the circle of councillors or from outside the composition of the legislative body. Only a voivodship marshal has to be elected from among councillors constituting the voivodship legislative body.

The voivodship marshal manages work of the board and simultaneously functions de facto as the second, besides the board, executive organ. Marshall manages current issues in a voivodship and represents it outside.

In urgent cases connected directly with an endangered public interest, threat to the health and life as well as in the cases, which might result in a big material loss, the marshal takes up measures, which lie in the competence of the board. Apart from that, he/she is entitled to issue decisions in individual cases concerning public administration, which belong to the properties of a voivodship. The auxiliary organ of a voivodship board is marshal office together with voivodship self-governmental organizational units. Voivodship through the cooperation with regional communities of other countries participates in an activity of international institutions and regional associations. Its activity and functioning within the mentioned structures must be performed in conformity with internal law, foreign policy of a country, its international obligations and must be within the limits of tasks and competencies of a voivodship.

The voivodships' governmental administration

Public administration in a voivodship consists of consolidated and non-consolidated administration. Non-consolidated administration in a voivodship is constituted by local structures of central bodies of administration specialized in a narrow range of issues (e.g. revenue administration, customs, maritime, statistics, etc.).

Consolidated administration consists of a voivode and the managers of consolidated services being under the supervision of a voivode (e.g. conservation), inspections (e.g. building) and guard (e.g. National Fire Brigade). These services, inspections and guards are sometimes also extended to a county level (e.g. building inspection). Then, the head of the county is their supervisor. A voivode manages all the issues within public administration in a voivodship, which are not restricted to other bodies of that administration. A voivode is:

- a representative of the Council of Ministers for the area of a voivodship,
- a superior of consolidated public administration,
- a supervisory body for the units of a territorial self-government (a commune, a county, a voivodship),
- an organ of a higher appeal level in an administrative procedure,
- a representative of the State Treasury.

A voivode can – based on and within the limits of statutory authorization – may enact local acts of law, completing in this way the local legal system established by bodies of the self-government in a commune, county and voivodship. A voivode is appointed and dismissed by the Prime Minister upon a motion of a minister proper for the affairs of the public administration.

A voivode carries out tasks with help of the 1st and the 2nd deputy voivodes and managers of the consolidated services, inspection and voivodship guard. Deputy voivodes are appointed and dismissed by the Prime Minister upon the motion submitted by a voivode. Voivode determines the range of tasks and competences performed by the deputy voivodes. If a voivode does not act as a voivode, the 1st deputy voivode takes over all the tasks and competence belonging to a voivode. Managers of consolidated services, inspection and voivodship guard are appointed and dismissed by a voivode, apart from the voivodship Police chief and the voivodship chief of the National Fire Brigade, which are, though, appointed with the voivode's

consent. Organization of the consolidated public administration is defined by the statute of the voivodship office chartered by a voivode. It covers the structure of a voivodship office as well as that of organizational units, which constitute an auxiliary apparatus for the managers of consolidated services, inspection and voivodship guard. In order to facilitate work of voivodship bodies of consolidated public administration, a voivode can create branches of a voivodship office and the already mentioned organizational units. In cases justified by special needs a voivode can appoint, for a defined period of time, its plenipotentiary to carry out issues in a range defined by a proxy. There is an advisory body by a voivode and it consists of:

- Deputy voivodes,
- General manager of a voivodship office,
- Voivodship Police chief,
- Voivodship chief of the National Fire Brigade,
- Other people mentioned in a statute of a voivodship office.

A voivode who functions within the frame of public administration comes under the authority and management of superior organs – minister proper for public administration issues and the Prime Minister. The Prime Minister supervises the activity of a voivode within the conformity with law and policy of the government as well as in terms of accuracy, reliability and economy.

2.4. Supra-local and Local level

The supra-local level (county)

At the county level there are two kinds of public administration (civil service) – governmental (public) and self-governmental. Public administration (governmental) is constituted by local offices of public non-consolidated and consolidated administration (e.g. Police, National Fire Brigade, building inspection, tax offices, labour offices), which partly come under the authority of a voivode and partly under the authority of regional and central offices. The range of influence of numerous private enterprises, non-governmental organizations and service institutions is also adjusted to a county-level division. County towns, often with old traditions, are centers of economic, social and cultural life, especially in the rural areas located far away from the cities.

The county self-government

A county is a community of people inhabiting a defined area covering several communes or just one urban commune. According to the act of law, a county performs statutory public tasks, which are beyond communal nature. A county does not compete with a commune in carrying out public tasks, but it has a complimentary function. In this way, a commune and a county together execute all the public tasks of a local nature. Such categories of issues remain in the properties of the county self-government:

- more advanced social infrastructure, including public education exceeding schooling obligation and more advanced health care and welfare (especially running hospitals and social welfare houses),
- more advanced technical infrastructure, including extra-communal local transportation and public roads,
- public order at the extra-communal level and safety of citizens,
- nature preservation and spatial management at the local extra-communal level, including water management and real estate management,
- organizational activity aiming at solving local problems, including countermeasures against unemployment, motivating a local employment market, protection of consumers laws, supporting the disabled and promotion of a county outside.

Executing its tasks, a county can establish commonly binding acts of local law in its own area. Establishing these regulations may come about based on and within the range of a statutory authorization. A county is independent as far as the execution of tasks is concerned. Supervisory bodies (the Prime Minister, a voivode and a regional fiscal office), may step to the sphere of its activity only in case of breach of law (a criterion of legality). A supervisory organ may then state the resolution made by a county body as invalid and in cases of notorious contravention of law by a specific body, to dissolve it. In case of a prolonged lack of management efficiency, the Prime Minister may appoint administrators, though for a period not longer than two years. Each supervisory decision can be appealed to the Supreme Administrative Court by a county.

A representational way of holding authority in a county is a rule. For that reason the following organs are established in a county: a county council and a county board.

However, forms of direct democracy are allowed. All the issues which are in the property of a county, may be settled in a form of a referendum. Counties may create unions, agreements and associations of counties.

The county council

A county council passes resolutions and also is a monitoring body of a county.

Exclusive properties of a county include among other things:

- enacting acts of local law, including a statute of a county,
- making and passing the budget,
- manning of the bodies (especially election and dismissal of the board) as well as determining trends in the activity of a board,
- passing tax and fee resolutions,
- passing resolutions with regard to essential wealth issues (taking out long-term loans, issuing treasury bonds, etc.).

The term of a board lasts 4 years and a number of its members is established proportionally to a number of inhabitants. A county council elects from its own circle the chairperson. Contrary to commissions of commune councils, commissions of county councils can be chosen only from among the councillors.

The county board

A board is an executive organ of a county. Its tasks comprise:

- managing the property of a county,
- executing the budget,
- preparing projects of the resolutions of the council and determining the mode of their execution.

The board is elected by the council in voting by secret ballot from among councillors or from outside the composition of the council. The board is composed of: a county head as the chairman and 3 to 5 members of the board, including the deputy of a county head. The county head manages the work of the board. Simultaneously, he/she functions de facto as the second, apart from the board, executive organ. The county head manages the running affairs of a county and represents it outside the county.

In urgent cases connected directly with an endangered public interest, threat to the health and life as well as in the cases, which might result in a big material loss, the county head takes up measures, which lie also in the competence of the board. Apart from that, he/she is entitled to issue decisions in individual cases concerning public administration, which belong to the properties of a county.

The local level (commune)

In Poland, a basic unit of the territorial self-government is a commune. It is equipped with highest levels of competence and financial resources. Communes can be urban (called 'towns' in short), urban-rural and rural ones. Urban-rural communes comprise local communities with a town possessing municipal rights and rural areas, deprived of such rights. Municipal rights are granted by the Prime Minister to localities of an urban nature, which have at least 5 thousand inhabitants.

The communal self-government

Inhabitants of a commune constitute a self-governmental community by virtue of law. Its range of activity covers, in conformity with a rule of subsidiarity, all the public issues of a local importance, legally restrained from other subjects. They concern local dimensions and aspects of function and development in following areas:

- technical infrastructure (roads, the water supply system, public transportation, etc.),
- social infrastructure (schools, health care system, welfare system, etc.),
- public order (fire-fighting, sanitary safety),
- spatial and ecological order (spatial planning, environment protection).

The above mentioned categories of tasks constitute own tasks of a commune and are financed from its own financial means (income from its own wealth, taxes and local fees, state subsidies and especially an educational subvention). Besides own tasks, a commune executes also tasks commissioned by public administration and gets adequate financial means for that. Executing its tasks, a commune can establish acts of local law in its own area (communal regulations). Establishing those regulations may come about based on and within the range of a statutory authorization. A commune is independent as far as the execution of tasks is concerned. Supervisory organs (the Prime Minister, a voivode and a regional fiscal

office), may step to the sphere of its activity only in case of breach of law (a criterion of legality). A supervisory body may then state the resolution made by a communal body as invalid and in cases of notorious contravention of law by a specific body of a commune, to dissolve it. In case of a prolonged lack of management efficiency, the Prime Minister may appoint administrators in a commune, though for a period not longer than two years. Each supervisory decision can be appealed to the Supreme Administrative Court by a commune.

Tasks that a commune is obliged to execute, charge its bodies, i.e.: a council and a board with responsibility. In cases of: self-taxation and dismissal of a council before the end of the term, decisions are taken in the form of a referendum. In other cases (unless an optional referendum was called upon), the council is a legislative and monitoring body of a commune.

A commune may establish division into auxiliary units – villages in rural communes and districts (estates) in the urban ones. These units do not have legal entity. Their range of competence is limited. A legislative organ in a village is a village meeting and an executive one a village bailiff (representative). The activity of a village bailiff is supported by a village council. A legislative organ in a district (estate) is a district (estate) council, while the executive one is a district board.

Communes may establish inter-communal unions, enter agreements and establish associations. Inter-communal unions are appointed to a common execution of public tasks (e.g. the upkeep of public transportation in a municipal complex). By a rule, such a union is of a non-compulsory character. A union is a subject of a carrier of public and private rights (a legal entity). A commune is represented in a union by the head of a rural commune or by a mayor (president). An obligation to establish a union may be imposed on a commune only through an act of law.

Apart from participation in inter-communal unions, which constitute separate carriers of public and private rights, communes may enter agreements in order to entrust one of the participants with specific tasks (e.g. common service for the citizens by one office).

In order to defend common interest, Communes may establish associations at a national and regional level. Membership of a commune in an association is non-obligatory. The most important Polish inter-communal associations are: the National Legislative of Self-Government, the Union of Polish Metropolises, the Association of the Polish Cities, the Association of Polish Towns, the Association of Rural

Communes of the Republic of Poland, The Association of Maritime Towns and Communes.

The commune council

A commune council is a legislative and a monitoring body of a commune and has a general competence. It covers all the issues which are in the powers of a commune, unless they were legally restricted to other subjects. It means that a council is self-governing regarding what it leaves in its own range of activity and what it transfers to other subjects (the board and managers of organizational units of a commune). With such a formulated rule, the regulations provide for quite a large catalogue of competence which cannot be transferred by the council to anybody. There are six categories of issues which are in the exclusive powers of the council:

- determining the organization and the trends in the activity of a commune (passing statutes, spatial plans and development programs),
- passing the budget of a commune,
- manning (especially election and dismissal of the board),
- passing tax and fee resolutions,
- determining the cooperation with other communes,
- passing resolutions with regard to those wealth issues of a commune, which exceed the authority of other boards (taking out long-term loans, issuing treasury bonds, etc.).

The term of a council lasts 4 years and the number of its members starts from 15 in the communes up-to 4 thousand inhabitants to 100 councillors in the biggest urban communes. The work of the council is organized by the county council and the chairperson elected in secret ballots from among the councillors. Function of the chairperson cannot be combined with the function of the board member, including also that of the head of a rural commune or a mayor. The council may establish permanent or temporary commissions to execute specific tasks. Members of those commissions may be taken from outside the council, though in a number not exceeding half of the composition of the commission.

The commune board

The executive organ of a commune is the board. Its powers include:

- managing the wealth of a commune,
- executing the budget,
- executing the tasks commissioned by public administration,
- preparing projects of resolutions of the council and determining the way of their execution.

The board consisting of 3 to 7 members is elected by the council in secret ballots from among its members or from outside the composition of the council. The board consists of the head of a rural commune (in rural communes), a mayor (in urban and urban-rural communes) or the president (in the urban communes above 50 thousand inhabitants) acting as its chairperson as well as his/her deputies and other members of the board.

The head of a rural commune or a mayor (president) as the board chairperson organize and manage the work of the board. Simultaneously, they function de facto as the second, besides the board, executive organ. They manage current issues in a commune and represent it outside.

In urgent cases connected directly with an endangered public interest, they take up measures, which lie in the competence of the board. Apart from that, they issue decisions in individual cases with regard to the commune's own tasks. The auxiliary organ of the board is the commune office. Its organization and functioning is defined by the council in a separate set of organizational rules.

II Spatial Planning System

1. Spatial Planning system in general

1.1. History of the spatial planning system

The attempts to normalize processes of spatial planning have a long tradition in Poland. They have been made directly after Poland regained its independence in 1918. Those attempts resulted in a modern, as for those times, regulation, i.e. an order of the President of the Republic of Poland issued on the 16th of February 1928 on Building Code and Housing Estate Development. In practice spatial planning in the interwar Poland (so called II Republic) was very successful, both locally (e.g. social housing estates, building of a harbour town of Gdynia from scratch, public facilities), regionally (e.g. plan on “functional Warsaw”) and nationally (e.g. Central Industrial District). Polish architects and town planners were actively involved in the works of CIAM, which led to formulation of the Charter of Athens.

After World War II, the regulation from 1928 was replaced by a Decree on the Planned Spatial Management of the Country. That decree and the following ones on the National Investment Plan from 1946 as well as the one on the Planned National Economy from 1947 established general rules of the so-called “system of a socialistic planned economy” introduced in Poland after World War II. Types of plans, the range of their content in the most general form, hierarchy and a mutual relation of plans, as well as procedural forms of their making and organization of planning were defined. A very significant fact for the contemporarily established system of the Polish People’s Republic (PRL) was taking over basic means of production by the state, and in consequence – accepting centrally controlled economic development.

In the conceptual phase the system of planned economy was notably supported by some groups of architects and town planners. Already before World War II those groups claimed that frameworks of activities ensuring rational development of the country, its regions and individual settlement units can be created only through planned economy.

In practice it soon turned out that legal norms were too rigid to regulate, with advance planning, turbulently and often forcefully introduced the so-called “socialistic industrialization”. It was based on the guidelines from the Soviet Union. The decrees became uncomfortable tools in the execution of tasks issued by the governing

communist party. Therefore they were rescinded or disobeyed. In this way a directive system of management was becoming consolidated. And that had little to do with the declared planning.

In that situation economic planning was short-term. It was based on a five-year plan, but in fact a yearly plan based on the state budget passed by the Sejm (Polish Parliament) was causative. Social planning turned out to be an illusion. However, spatial planning was being developed separately from the economic condition of the country. It was also susceptible to non-planning pressure and directives of different governing civil and political bodies.

During almost a fifty-year long period of forming the system of spatial planning in the PRL a method of preparing planning documents was created. It was obviously adjusted to the present situation. At that time a considerable group of planners received their education, which resulted in a series of valuable planning studies registering the condition of country development and analysing its risks and developmental possibilities. In the 60s certain methods and planning concepts were even carefully examined in many countries and considered progressive. However, the system weakness of spatial planning was lack of balance between the objective and subjective layer of a plan. Spatial management plan did not require wide social acceptance. It was enough that it was accepted by an executive and political authority. Most often plans were seen by the society as an additional instrument of repression, especially by those social groups who as a result of the planning decisions were dispossessed of their land estates. Plans were also perceived as a special form of communistic propaganda showing a glowing vision of the future of the system, the so-called "social justice".

Despite the political assumption of taking over all the production means by the state, and significant limitation of citizens' imperious rights, quite a high percentage of agricultural (about 70%) and building land remained in private hands in the PRL. People could also own an apartment; run a non-agricultural business activity, even though with big limitations.

Generally spatially extensive development of cities/towns, especially in the nationalized sector, required taking over vast terrain from private holders. Local spatial management plans formed a legal basis for dispossessions. In that aspect of theirs, plans were mainly used as an instrument of limiting private sector of economy. Owners of whatever real estate defended it with all legal and non-legal methods. Also

various methods of private investment, out of planning assumptions and logics of spatial planning, were practised.

Abolishing ground rent, limiting functioning of real estate market and removal of private ownership during the PRL era caused deformation of spatial management structure, devastation of visual landscape and formation of characteristic “urban fallows”, i.e. un-built areas in attractive places. However, simultaneously the PRL has left millions of built flats, by principle modern housing estates and public facilities (schools, hospitals, offices, etc.)

Political transformations, which took place in Poland after 1989, enforced the revision of the so far system of spatial planning. After numerous discussions and presentations of the project of a new act of law correcting that system, the Sejm passed The Act on Spatial Management in 1994, which replaced The Act on Spatial Planning from 1984. The change in the name of the act of law was not without any significance. It meant separating from the principle of the previous system, i.e. “planned economy”.

A very important legal document, prior to the Act on Spatial Management, was the Act on Territorial Self-Government from 1990. Due to that act of law, self-governmental communities, which acquired legal entity and were endowed with a wide spectrum of tasks, got reactivated. The scope of their tasks covers all the public affairs of a local importance, which have not been legally reserved to other subjects. The first step to create self-governments in the Republic of Poland was recreating a communal self-government in 1990. Voivodship and district self-governments were established later, by operation of law from 1998, and organised on account of an administrative reform of the country, which was introduced in 1999.

The Act on Spatial Management from 1994 abolished a centralized and hierarchical system of spatial planning and vested communes with powers decisive, to a large extent, for the development of the whole country. The principle of compulsory and universal nature of making local spatial management plans has been abandoned.

While the previous act of law emphasizes that the “aim of spatial planning is to shape spatial management of the country, regions, cities/towns and villages in a complex way...”, the act of law from 1994 abandons defining spatial planning, but highlights that the enacted act defines „ the scope and way of procedure in cases concerning the intended use of terrain for specific purposes and settling the ways of development ...”. The above mentioned legal provisions present a basic system

change residing in abandoning creative and complex planning supported by legal acts and aiming at regulative planning, which would consider title to property, among other things.

1.2. Basic principles

According to the presently binding Act on Spatial Planning and Management issued on 27th of March 2003 the system of spatial planning at all the governmental and self-governmental management levels in Poland, shall be managed at all the levels adequately to the territorial division of the country. This policy is reflected in planning concepts and studies passed by appropriate social representations, i.e. the Sejm (the lower chamber of the Polish parliament), regional parliaments and communal councils. The enacted policy becomes an act of internal management, which means that its decisions are binding for the administrative bodies, which participated in the passing process. They do not apply to the third parties. They also do not cause any legal status (regulatory environment) in terms of management. They are more a set of demands, guidelines and information rather than a commonly binding regulation.

Local spatial management plans introducing investment discipline as acts of local law, are the basic instrument of spatial planning policy in Poland. By virtue of law, it is an exclusive property of the commune council to pass local plans of spatial management. A local spatial management plan been unambiguously classified as a communal regulation, which means that its regulations are binding on the territory of a commune and form a fundamental instrument to implement planning decisions. Within the area of spatial management other regulations cannot be issued. In the process, all the regulations concerning the aesthetics of development, architectural classical building order or landscape management can be executed only by means of provisions of Building Law or other national acts of law.

At the national level, the Council of Ministers (i.e. public administration) is held responsible for spatial planning, while at other levels – self-governmental authorities – adequately voivodship board and voivodship parliament at the regional level, and commune board and commune council at the local level. The hierarchy of spatial management plans in a sense of formal submission of lower levels to higher levels (as it used to be in the PRL), does not exist in the Republic of Poland. There are only the

local spatial management plans that have a binding force between the state and its citizens. The national spatial management concept solely provides general guidelines and voivodships' spatial management plans are also not binding for communes. Certainly, there is a statutory obligation to agree on the content of plans, but in practice the superiority of higher levels does not exist. It leads to numerous conflicts and makes investing in Poland difficult.

The advisory body of the Minister proper for building, spatial management and housing within the area of spatial planning and management is Main Committee for Town Planning and Architecture. In voivodships, counties, municipal and rural communes analogical committees for town planning and architecture can be called up (at the level of a voivodship, county, and town/commune).

1.3. Objectives and scope

The Act on Spatial Planning and Management from 2003 does not explicitly formulate the objectives of spatial planning and management. It only states that:

- creating and running spatial policy by bodies of self-government public administration,
- course of action in cases of earmarking terrain for defined purposes,
- ways of establishing rules of terrain development and building-up should be a subject to written and legally binding rules.

Spatial planning covers especially:

- requirements of spatial order, including those of urban science and architecture
- architectural and landscape qualities
- environmental requirements , including water management and protection of cultivable soils and forests
- requirements of preservation of cultural heritage and modern cultural achievements
- requirements of health care, safety of people and property, and also needs of the disabled
- economic qualities of space
- ownership title

- security and defence needs of the state
- public purpose needs.

The scope of spatial management in Poland covers all spatial scales (from a national to a local one) and follows the three levels of territorial division of the country (state, voivodships and communes). It also comprises all kinds of activities involving management/development and building-up of an area. Spatial planning covers also maritime areas of the Republic of Poland.

Any action within spatial management should aspire to introduce spatial order and ensure sustainable development.

The spatial order is understood as a target state of spatial management, where the conflicts resulting from developmental processes are minimized and where the harmoniously composed landscape is achieved by preserving its local cultural and environmental identity.

Sustainable development is understood as a social-economic development, where aspiration for the highest possible standard of living of the citizens allows for minimizing the impact on the environment. It make sit possible both for the present and future generations to have their developmental needs met.

1.4. Functions

In Poland there is an integrated system of spatial planning laws based on general planning laws and specialized planning laws. Laws of general planning:

- at the communal level: a study of the conditions and directions of the spatial management and local spatial management plans,
- at the regional level: a voivodship spatial management plan,
- at the national level: a national spatial management concept.

Laws of specialized spatial planning:

- at the local and supra-local level: concepts and programmes referring to the areas holding a special status (e.g. management plan in the area around an industrial plant; a plan of conservation of a national park, landscape park or nature reserve; a plan of setting up a forest; eco-physiographic study, etc),

- at the regional level: concepts and programmes referring to the areas and problems of spatial management in a voivodship (e.g. studies and concepts of spatial development of metropolitan area),
- at the national level: programmes comprising governmental tasks serving the public purpose through the execution of an investment of national significance (e.g. concepts and plans of infrastructure development – roads, railway, pipelines).

Such a net of planning acts is overlapped with various planning acts of non-institutionalized analyses and studies, which either precede general and specialized planning at all levels of planning, or constitute independent planning acts of informative character. Such acts are, for example, studies and analyses made at the county (district) level as well as evaluations of changes of spatial development in a commune. In some voivodships spatial management/development is monitored and reports are made on its status.

The foundation for building a system of acts of spatial planning in Poland is a local plan of spatial management/development. Its significance derives from the fact that it commonly binds. Decisions permitting building-up are issued based on that plan. That means that other planning acts, even though they do influence the content of the local plan, in order to be binding they have to be transposed into it.

It can be assumed that spatial planning at the national level has mainly an analytical and informative function, and very little that of a coordinating one. However, at the regional level the importance of the coordinating functions increases, as for the informative functions. Analytical documentation gathered in the process of working on the plans of spatial management (development) is the main source of information about a region. On the local scale the study of conditions and directions of the spatial management fulfils numerous functions: analytical, coordinating, informative and partly decision-making (e.g. through indicating areas excluded from up-building, assigning reserves of terrain for important investments). Local spatial management plans have solely a decision-making function. Their usually small spatial range excludes other functions.

1.5 Main elements

At present the structure and form of spatial management plans, as well as the methods of their developing are not unified in Poland. There is a big diversification and it is difficult to point at typical examples. It is a reaction of regional planners and town planners to a unified, detailed and restricting instructions used in PRL. The Association of Polish Town Planners and Town Planners' Chambers try to introduce some standards in that area throughout organizing conferences and trainings. Nevertheless, it is extremely difficult due to the lack of legal regulations.

All the plans of spatial management consist of a textual, tabular and graphic part. All parts are equally important and valuable. The most important and binding is a plan blueprint. Cartographic studies for local plans are made in the scales, which extort big formats. It makes it difficult to have them published and made available.

In recent years digital plans have become common. Some regions, towns and communes make the existing voivodship spatial management plans available (fully or partly) on their Internet websites. The same refers to studies of the conditions and directions of the spatial management of a commune.

The only legally binding local plans of spatial management are made in a paper form in a small number of copies. From a formal point of view they constitute annexes to proper resolutions of the commune council. Projects of plans are made available to the public in the process of drawing them up. After passing extracts and excerpts are made available to the authorized interested parties. However, in practice, a public access to the binding (current) planning documents is difficult. It seriously limits social control over the execution of plans. There is no legal obligation to publish spatial plans. Some communes make them available using the websites.

1.6 Main instruments of implementation

The arrangements of spatial plans are implemented either through issuing a building license (or a refusal) or a change of the present form of land use. Such permission may be issued also if there is no local spatial plan. Then, it is based on the decision about conditions of up-building. The other planning documents are rather of a coordinating, informative and even marketing character.

In such a situation the procedure of agreement is a basic instrument for implementation of stipulations of spatial planning acts. It is very complex and bureaucratic. It prolongs the time of drawing up planning documents even up to several years and significantly increases the costs. It also extends the waiting time for the building license causing numerous conflicts and dissatisfaction of investors.

1.7 Significance of transnational and trans-border aspects

The need to consider international determinants in spatial planning appeared already in the 90's. It resulted from economic and political opening of Poland to the West as well as from the need to consider that fact in a long-term strategic planning of the country. During works on the concept of spatial management policy of the country, the international context has been already taken into consideration. It was reflected in the notion of 'jointer-like' location of Poland. Poland was one of the initiators and actively participates in the programme of planning cooperation VASAB (Visions and Strategies around the Baltic Sea). The cooperation was also taken up by regional planners from Poland and Germany who worked out a common concept of trans-border cooperation. Most trans-border voivodships, towns and rural communes exchanges planning information, mainly informally, with the neighbours from the other side of the border. A significant role is played by Euroregions, especially those located alongside the western and southern border of Poland.

The trans-border cooperation within formal spatial planning is, however, restricted by legally established limitation of planning control in the area that comes within its jurisdiction. Despite their self-governmental competences, voivodships have no competence within international relations.

1.8 Current and upcoming changes and challenges

The discussion on introducing changes to the Polish spatial planning legislation has been ongoing several years. As a result a new project of The Act on Spatial Planning has been agreed upon. Compared with the currently binding act from 2003 it provides for changes as follows:

- strengthening of a role of spatial planning as an instrument of spatial policy,

- more precise delimitation of competences and responsibilities at the specific levels of spatial planning,
- separating analytical and constituting parts in the plans of spatial management,
- limiting the range of planning for the areas of low complexity of structures and spatial processes,
- endowing investments of public purpose with greater importance,
- including maritime and railway areas in the spatial planning at the local level,
- establishing a principle of considering spatial policy of the neighbouring areas (including those located outside the country's border) in the process of drawing up spatial plans,
- simplification and improvement of location procedures at the local level.

2. Legal framework of spatial planning

In 2003 the presently binding Act on Spatial Planning and Management was passed. Despite the changes, the general principle stating that communes develop spatial policy was kept. The citizens became subjects of spatial planning and could take a more active stand in its creation. Internal sea waters, territorial sea and an exclusive economic zone were included in the scope of planning and spatial management. Simultaneously, some of the planning procedures were simplified, especially those which limit the possibilities of unjustified postponement of investment. Those changes also increased the precision and clarity of plans, so that they could provide a basis for issuing a planning permission. At present the works on another amendment to the bill on spatial planning are in progress. The suggested changes tend to further simplify planning procedures, but also (unfortunately) to limit the role of social participation.

Besides The Act on Spatial Planning and Management from 2003 there are many acts of law of national significance, which are or can be used as an additional tool in the execution of that policy. The most important ones are:

- The Act on Environmental Protection and Management,
- The Act on Wildlife Conservation,

- The Act on Highways (public roads),
- The Act on Paid Motorways,
- The Act on Building Law,
- The Act on Geological and Mining Law,
- The Act on Real Estate Management,
- The Act on Consolidation and Exchange of Agricultural Plots,
- Energy Law,
- Forest Law,
- The Act on Protection of Cultivable Land and Conservation of Forest Soils,
- The Act on Maritime Areas and Maritime Administration of the Republic of Poland,
- Law on Use and Conservation of Inland Waters,
- The Act on Sanitary Inspection,
- The Act on Preservation of Cultural Goods.

In all of those acts there are many references to The Act on Spatial Planning and Management as well as self-contained norms, which influence spatial management. The latter refer particularly to the possibilities of constituting different forms of protection from the position of public administration, i.e. services of:

- Nature Conservation Officer,
- Conservation Officer,
- Minister and voivode proper for protection of cultivable land, water management, flood control, territorial waters, health resorts, state protection, etc.

Spatial policy at the national, regional and local level is increasingly based on development strategies. Strategies cover mainly economic and social determinants. That view makes many towns and regions decide to have a development strategy drawn up, even though such studies are not legally required. However, it does have to do with the procedures connected with utilizing funds of European Union. Since the 90's cities/towns and communes and since 1999 also regions develop and enact strategic documents including some guidelines for the spatial plans. Similar documents, but of a less obligatory nature, are made for counties.

At the national level spatial policy of the State is supplemented by planning works conducted by some departments, among other things in the domain of transportation, water management, power industry, forestry or wildlife conservation. The stronghold of the departments' activity is a systematic observation of the development state of affairs, especially in case of monitoring the environmental pollution, condition of the transportation system and others.

Thanks to public/governmental undertakings at the central and voivodship level, national and landscape parks, nature reserves and protected landscape areas are appointed. Furthermore, registers of historic buildings are created. They often cover valuable architectural-urban complexes. For some areas preservation plans and plans of protection appliances are made.

The Polish system of spatial planning, due to its statutory authority in many of the so called detailed acts, reveals numerous legal loopholes, which cause that the planning regulations are not able to control all the disadvantageous occurrences arising from a spontaneous development. The most important of them are: lack of spatial norms for agricultural/farming buildings and farming processing industry, almost unlimited freedom in dividing cultivable land into plots, weak and missing executive resolutions concerning the environmental protection and others.

Moreover, quite a substantial autonomy of communes as far as spatial management is concerned, leads to the avoidance of introducing planning decisions by the commune boards. It happens in order not to restrict the private sector and thus to have the inefficient planning structures rebuilt. In that area of regulations the balanced direction of development becomes very difficult to carry out. The short-sightedness of the operations run by communal bodies and individuals often causes wasteful exploitation of natural resources and consequently speeds up the pace of nature degradation without the necessary awareness that imperfect and uneconomical forms of management may cause huge exploitation costs in the future.

3. Planning levels and specific aspects

3.1. Spatial planning at local level

3.1.1 The study of the conditions and directions of the spatial management of a commune

Objectives and scope

Spatial planning at the communal level is based on obligating the commune council to conduct the spatial planning policy. The communal spatial planning policy is to be defined by a study of the conditions and directions of the spatial management of a commune (the study). The study, which stems from the proper act of law, is a planning one, but its legal qualification has not been specified yet. It is also not regulated what statutory consequences are given rise to if a commune does not enact the study at all, or it does not reveal publicly a spatial policy of a commune in the process.

Planning power of a commune extends to its territory. A commune cannot decide about the purpose and rules of managing/developing the terrain located outside its administrative border. It refers both to spatial planning of communes situated on two different sides of national borders and planning surpassing the borders of communes in internal relations. In the first case, if a commune took up controlling planning activities in relation to a neighbouring commune, it would violate sovereignty of a given state. Similar actions taken up in relation to a neighbouring commune inside the same country would violate the planning power of that commune.

Cooperating communes cannot pass any common local spatial management plan. Passing such a resolution at the common meeting of commune councils would be ineffective. It would result in adjudication of invalidity of the passed resolution and its elimination from legal relations.

Functions

The study of the conditions and directions of the spatial management of a commune has many functions. It is an act of spatial policy of a commune and this is where its first function stems from. It is also an act of economic development policy, especially where the strategy of a commune's development has not been drawn up. This double role of the study is a characteristic feature of the Polish planning system.

The other important function of the study is coordination of arrangements of local spatial management plans. Another function is promotion of a commune among potential investors.

Main elements

The study consists of a textual and graphic part (study blueprint). It should include rules defined in the concept of spatial development/management of the country, arrangements of the strategy of development and a plan of spatial management of a voivodship as well as the strategy of a commune's development, if such exists.

The study specifically defines:

- directions of changes in the spatial structure of a commune and in the land use,
- directions and indicators relating to management and land use, including areas excluded from up-building,
- areas and rules of preservation of the environment and its natural resources, cultural landscape and health-resorts (spas),
- areas and rules of conservation of cultural heritage, monuments and goods of contemporary culture,
- directions of development of communication systems and technical infrastructure,
- areas, where investments of public purpose of local significance will be situated,
- areas, where investments of public purpose of supra-local significance will be situated, according to the arrangements of the voivodship spatial management plan and programmes of execution of public purpose of national significance,
- areas, where drawing up a local spatial management plan is obligatory based on separate regulations, including areas requiring consolidation and exchange of real estate properties (merging and division),
- areas where retailing objects of the sales surface exceeding 2000 m² and areas of public space may be located,

- areas for which a commune intends to draw up a local spatial management plan, including areas requiring change in the usage of cultivable land and forest soils for non-agricultural and non-forest purposes,
- directions and rules of shaping agricultural and forestry production space,
- areas exposed to the danger of flooding and land-sliding,
- objects or areas for which a safety pillar is marked in the deposit of a mineral,
- areas of monuments of extermination (mass murder) and their protective zones as well as limitations of running there business activity, according to the Act on Preservation of former Nazi Extermination Camps,
- areas requiring changes/transformations, rehabilitation or re-cultivation,
- borders of closed areas and their protective zones,
- other problematic areas, depending on conditions and needs of development in the given commune.

Procedure

A commune starts the procedure of drawing up the study of the conditions and directions of the spatial management after the resolution on entering such a project is passed by the commune council. The local planning body, i.e. a body responsible for making the project of the study and executing its proceedings is the head of a rural commune or a mayor (city president). He/she commissions making the study to external subjects with urban/architectural competences after the public order has been carried out. When the commune council passes the resolution on entering the process of making the study, the head of a rural commune or a mayor (city president) informs about that fact in the local press, through an announcement and in a customary way accepted in the given town/location. The announcement contains information about passing the resolution to enter the process of making the study, defines a form, place and deadline for submitting motions concerning the study, not shorter than 21 days counting from the day of announcement. The institutions, which have to be consulted while making the study and those that give an opinion on the project of the study also have to be informed by the head of a rural commune or a mayor (city president) about entering the process. It has to be done in a written form.

After the motions concerning the study are examined the head of a rural commune or a mayor (city president) makes a project of the study considering the arrangements of the voivodship spatial management plan. Next, the project of the study is given an opinion by a proper Committee for Town Planning and Architecture as well as undergoes the arrangements with the voivodship board and a voivode concerning its conformity with the arrangements of programmes of public purposes of national significance. Irrespective of that, the head of a rural commune or a mayor (city president) requests opinions on the solutions applied in the project of the study from: the head of the county, neighbouring communes, proper Voivodship Conservation Officer, proper institutions for military, border guards and national security, director of the proper Maritime Office concerning management of the coastal technical and protective belt, sea harbours and marinas, proper body for mining supervision concerning management of the mining areas, proper body for geological administration, minister proper for health care concerning management of the health-resort areas.

Having obtained the above mentioned opinions the head of a rural commune or a mayor (city president) introduces the resultative changes and announces the project of the study available to the public supervision at least 14 days prior to the exposure of the project and at least for 30 days. Meanwhile, he/she organizes a public debate on the solutions accepted in the project of the study and simultaneously sets the deadline (proclaimed in the announcement) up to which legal or natural persons and organizational units without legal entity may put forward remarks concerning the project of the study, not shorter than 21 days since the last day of exposure of the study project to the public.

Until all the aforementioned activities are finalized, the head of a rural commune or a mayor (city president) presents to the commune council the project of the study, together with a list of issues that have not been met, for passing. When passing the study, the commune council, simultaneously decides the way of settling the remarks to the project of the study lodged while it was made available to the public. The text and the blueprint of the study as well as an agreement on the way of settling remarks constitute annexes to the resolution on passing the study.

The legislator does not provide for the obligation to announce the study. It is a serious failure, which makes it difficult for the citizens to control the execution of communal spatial policy.

Any change of the study may only happen with the observance of due procedures of passing the study.

The costs of having the study made fall on the commune. The costs of having the study made or introducing changes resulting from the distribution of investments of public purpose of supra-communal significance adequately fall on the budget of the state, voivodship and county.

The study binds legally and determines the directions and ways of acting of bodies and units in the organizational system of a commune. The legal conformity of the resolution passed by the commune council is supervised by the voivode. In turn, the voivode's decision may be sued by the commune to the administrative court.

Lack of the study makes it impossible for a commune to pass local plans. Moreover, if a voivode's appeal to the commune council for passing the study turns out ineffective, the voivode is obliged to have a substitute local spatial management plan made. It especially refers to the area destined for investments of public purpose with national and voivodship significance, covered by a voivodship spatial management plan or adequate governmental programmes.

3.1.2. Local spatial management plan

Objectives and scope

Local spatial management plan should constitute a basic instrument of the communal spatial policy. The plan is made as the need arises with a few exceptions when they have to be made obligatorily. This plan is an act of local law. It means that the local spatial management plan is binding for commune bodies, public institutions, and all citizens.

Main elements

Local plan obligatorily defines:

- purposeful usage of terrain and dividing lines distinguishing areas destined for different purposes or for a different way/mode of development,
- rules of protecting and shaping the spatial order,
- rules of preservation of the environment, wildlife and cultural landscape,
- rules of conservation of cultural heritage, monuments and goods of contemporary culture,

- requirements resulting from the need to influence the public,
- parameters and indicators of shaping up-building and terrain development, including building lines, overall dimensions of objects and indicators of settlement intensity,
- dividing lines and ways of developing terrain or objects under protection established based on separate regulations, including mining areas as well as those exposed to the danger of flooding and land-sliding,
- detailed rules of terrain development and restrictions in their usage, including prohibition to build,
- rules of modernization, development and building of communication systems and technical infrastructure,
- way/mode and time limits of the substitute development, organization/management and usage of terrain,
- percentage rates, based on which, communal fees for the rise in value of real estate are established.

Besides, depending on the needs, a local spatial management plan defines:

- borders of the areas requiring consolidation and exchange of real estate properties(merging and division),
- borders of the areas of rehabilitation of the existing up-building and technical infrastructure or re-cultivation,
- borders of the areas requiring transformations or re-cultivation,
- borders of the areas for building large surface trade objects,
- borders of the recreational-leisure areas and areas serving mass events purposes,
- borders of areas of monuments of extermination and their protective zones as well as limitations of running there business activity, according to the Act on Preservation of former Nazi Extermination Camps.

Procedure

The project of the local spatial management plan is made by the head of a rural commune or a mayor (city president). After working out the plan the head of a rural commune or a mayor (city president) settles arrangements with the voivode and the voivodship board as well as with the commune board as far as the conformity of the

project with the governmental and self-governmental tasks is concerned. Also territorially proper bodies for national safety and other bodies have to be consulted due to regulations of special legal acts. The costs of arrangements fall on the bodies arranging the project of the plan. Furthermore, the project requires opinions on distribution of investments for public purposes, issued by heads of rural communes or mayors (city presidents) of areas neighbouring the area covered by the the plan.

The decisions of a local spatial management plan comprise the content of a resolution passed by the commune council and their scope is defined in accordance with the needs. They depend mainly on legal effects caused by the plan. Those include communal financial commitments requiring compensation for a loss incurred by individual owners of properties due to the enactment of a plan and other consequences resulting from limiting proprietorship to the properties covered by the plan. In the first case, a commune may incur expenditures connected with the necessity of buying out land to meet communal needs – especially roads – and to indemnify. Those expenditures are difficult to predict. In the latter case communal authorities get tangled up in numerous conflicts with the residents, which can negatively influence the possibilities for re-election.

The project of the plan after having been drawn up has to be scrutinized by the commune board in terms of its cohesion with spatial policy defined in the study of the conditions and directions of the spatial management of a commune. Later on it has to be submitted for approval and has to be agreed upon by proper bodies of public and self-territorial administration, accordingly to their competences resulting either from Act on Spatial Planning and Management or other particular acts.

In order to protect the third parties, the Act on Spatial Planning and Management has imposed on the commune board a long and complicated formal, appeal procedure in the mode of drawing up the plan by defining its subject matter and a territorial scope. Next, the commune board announces that it sets about working on the plan and simultaneously informs about a form, place and deadline for submitting motions to the plan (not shorter than 21 days). Additionally, it also informs about that fact in a written form all the agencies proper for setting the projects of the plan as well as the self-governmental legislative body.

The project of the plan, including an obligatory estimation of how much the decisions of the plan will affect the natural environment, is made available to the public only after it received an opinion and was agreed upon. All the parties

involved in planning decisions must be informed in a written form, while all the other parties should be notified by an announcement in a form of a public notice. Having finalized all the arrangements and obtained all the necessary opinions the head of a rural commune or a mayor (city president) makes the project of the plan available to the public supervision for a period of at least 21 days and announces that fact at least 7 days prior to the exposure of the project.

Making the plan available for a public inspection most often results in numerous protests and accusations filed to the commune board. The commune board is obliged to examine them and carefully consider. Those motions that fail to be taken into account in the project of the plan shall be channelled to the commune board for a final settlement. The involved parties are informed about the meeting and the decisions taken by the commune board. People, whose motions have been rejected, have the right to appeal to the National Appeal Court. Only the resolution of the Court allow for submitting the project of the plan for adoption.

Despite the regular promulgating mode, all the parties involved in the proceedings are informed about the session of the commune board in a written form. The commune board's resolution, previously examined by a voivode and declared pursuant to the provisions, is gazetted at the voivodship level.

Going through a formal procedure of making a local spatial management plan may take up several years. The above mentioned operations have to be performed in the established order, which means that the whole procedure has to be repeated in case of necessary changes in the project of the plan due to the negative arrangements, opinions protests or claims.

The local spatial management plan is made at the expense of a commune. A commune covers also the costs of revising the plan. The exception to the rule is a plan made for the area, where the execution of public purposes is planned. The costs of making that/such a plan fall adequately on the state budget, voivodship self-government, district self-government or an investor.

In order to have the local spatial management plans validated the legislator obliges the head of a rural commune or a mayor (city president) to make an evaluation of changes in the spatial development of a commune and to submit the results of that evaluation to the council at least once during the term of office. The council, in turn, passes a resolution concerning the validation of the study and the local plans.

In order to make it possible for the citizens, organizations and institutions to have an insight into the binding regulations of communal law, the legislator obliges the head of a rural commune or a mayor (city president) to keep register of the local plans and motions for their making or changing. The register should be made commonly available for inspection, at the seat of the commune council. Every citizen has the right to inspect the study or a local plan and to receive excerpts and contours.

3.1.3. Conditions of development and spatial management

Managing the space in the areas which do not have a local spatial management plan is based on special regulations, i.e. legal acts standardizing specific walks of social-economic life. If regulations provided in those acts do not restrict investing in the given area, an investor may take up the intended actions. Lack of a local plan means lack of planning restrictions in investing. As a result, it gives better possibilities for the realization of investment intentions.

In a situation when there is no plan and a change in the development of the area occurs, provided the future building object does not have the notion of a public purpose or there will be a change in the usage of the building object or its parts, it is required to establish the so called conditions of development and spatial management.

The conditions are established upon a motion of an investor. The decision about the conditions of development can be simultaneously issued to more than just one person. Such a decision should define a type of an investment, conditions and detailed rules of terrain development and its up-building resulting from special regulations, including service conditions for technical infrastructure and requirements concerning protection of third party interests, demarcation lines of an investment area, marked on a map in an adequate scale.

A decision about up-building the area is issued by the head of a rural commune or a mayor (city president) after acquiring the necessary legal agreements or decisions. In case of closed areas the decision is issued by the voivode, while in case of maritime inland waters and territorial sea, the decision on up-building/development is issued by the head of the territorially proper Maritime Office.

Investment of the public purpose is based on a local spatial management plan and in case of its lack – based on the agreement on finding the location. It is issued by the

head of a rural commune or a mayor (city president) and in case of public purpose investments of national and voivodship level significance - it has to be arranged with the voivodship marshal.

The Act on Spatial Planning and Management obliges to ensure the conformity of the building license with special regulations and also simultaneously to fulfil the conditions, as follows:

- at least one neighbouring plot, accessible from the public road, is up-built in a way allowing for defining requirements concerning new up-building within the range of function continuation, parameters, features and indicators of shaping the up-building and terrain development, including the overall size and architectural form of the building objects, building lines and intensity of land use,
- area has a public road access,
- the existing or the designed and contractually secured public utilities are sufficient for the intended building project,
- the terrain does not require obtaining permission for the change of the usage of cultivable and forest land into non-agricultural and non-forest purposes or is covered by a permission acquired in the process of making plans, which have lost binding force,
- the decision is compliant with separate regulations.

3.2. Spatial planning at regional level

3.2.1. Objectives and scope

The reform of the structure of administration, which was introduced in Poland in 1999, caused the necessity of rebuilding the system of planning at regional level. The most important feature of the new structure was taking over some tasks and competences of the government by the two newly formed supra-communal self-governmental levels. A number of local bodies of public administration has decreased, i.e. 16 bigger voivodships have been established instead of the previous 49. Moreover, rayon offices, which covered several communes with their activities, have been closed down.

Bodies of public administration have been obliged to run a coordinated and cohesive policy of spatial management of the country with the governmental programs of objectives as their main working tool.

The structure of public administration at voivodship level functioning since 1999 in 16 voivodships meets the self-territorial structure at the voivodship level operating in the same 16 voivodships. Voivodship boards of self-governmental voivodships have been statutorily obliged to develop:

- voivodship development strategy,
- voivodship spatial management plan,
- voivodship programs (e.g. environmental protection, innovation support, and transportation development), including the regional operational programs, many years standing sector voivodship programs,
- periodical update of voivodship spatial management plan.

All the mentioned planning documents shall be of planning nature and shall be submitted to proper voivodship legislative bodies for passing. Before the voivodship spatial management plan is passed, it has to be agreed upon with the Prime Minister as far as the governmental objectives/tasks are concerned. Furthermore, the Prime Minister and the self-governmental bodies at the county and communal level have to pronounce their opinion on the plans.

3.2.2. Voivodship spatial management plan

A voivodship spatial management plan is the basic planning act of the self-government of the voivodship. It is integrally connected with a voivodship development strategy, which creates the directions of its socio-economic development. Neither voivodship spatial management plan nor voivodship development strategy does have the nature of legal and commonly binding act. However, they do bind – to a different extent – in the internal relations of public administration. The above mentioned planning acts belong to a category of general planning acts. They influence spatial and economic development of a voivodship to a great extent, almost limitless in a subject matter. Alongside, there are also sectoral and specialized spatial planning act in function – concepts and programmes referring to the areas and problems of spatial management. These problems focus on planning specialized (sectoral) undertakings,

e.g. development of voivodship transport system. They do not have a nature of commonly binding legal acts. In internal relations of public administration they bind only after their arrangements are transposed to a voivodship spatial management plan.

Main elements

A voivodship spatial management plan, worked out for the area of the whole voivodship, is a general planning act of voivodship self-government. It defines rules of spatial organization of a voivodship, especially:

- basic elements of settlement network in a voivodship,
- system of protected areas,
- distribution/location of investments of public purpose of supra-local significance, especially objects of social and technical infrastructure,
- problematic areas, metropolitan and support areas,
- areas endangered by flooding.

Tasks included in the governmental programmes which serve the execution of public purpose investments, made by ministers and central bodies of public administration, are also taken into consideration in a voivodship spatial management plan. The plan also includes arrangements concerning national spatial management concept referring to the area of a voivodship.

Procedure

The act of law on entering the process of having the voivodship spatial management/development plan made is taken by a voivodship parliament. It is the Voivodship marshal, who is responsible for making the project of a plan and introducing it for passing to the voivodship parliament. Therefore the marshal of the Voivodship undertakes steps as follows:

- informs in the national press and makes announcements in the commune offices, county offices, marshal office and voivodship office that the act of law on entering the process of having the spatial management plan made,

- defines a form , place and deadline for submitting motions concerning the plan, not shorter than 3 months since the day of its announcement;
- informs bodies and institutions proper for issuing opinions on the plan, in a written form, about the fact of passing the act of law on entering the process of having the spatial management plan made,
 - makes the project of the voivodship spatial management plan and an evaluation of its potential impact on the environment;
 - obtains an opinion about the plan from a Voivodship Committee for Town Planning and Architecture;
 - requests an opinion on the project of a plan from proper institutions and bodies, the voivode, county boards, heads of rural communes, mayors and presidents of the cities located within the voivodship as well as governmental and self-governmental bodies of public administration in the area adjacent to the borders of a voivodship;
 - agrees upon the project with the bodies defined in separate regulations;
 - presents the project of the plan to the minister proper or building and spatial management in order to be able to pronounce the project as compliant with the national spatial development concept and governmental programmes;
 - presents the project of the plan to the voivodship parliament for passing.

After the plan has been passed by the voivodship parliament, the voivodship marshal puts forward to the voivode the act on enactment of a voivodship spatial development plan together with the documentation of planning works in order to check its compliance with legal regulations and to have it announced in the voivodship official gazette.

The change of the voivodship spatial management plan is done according to the same procedure in which the passing was carried out.

The costs of having the voivodship spatial management plan made fall on the voivodship budget, except for the costs, which are the direct consequence of intents to execute public purpose investments of national significance. In that case, the costs of drawing up the plan burden the state budget or that of an investor.

3.2.3. Regional spatial planning and regional policy

Tasks at the self-governmental voivodship level, within the scope of spatial planning, will be executed for the first time. All of the voivodship boards have prepared the voivodship development strategies and the voivodship spatial management plans in the years 2000-2002.

Taking up those tasks has become necessary as there turned up a possibility of submitting voivodship programmes to the government and obtaining financial means from different sources, including the foreign ones.

The Law on The Rules of Supporting Regional Development passed by the national parliament on 12 May 2000 defined the rules and form of supporting regional development as well as rules of cooperation within that area between the Council of Ministers, bodies of public administration and the local self-government. It has especially defined the institutions supporting development, mode of operating and the rules of entering and executing a voivodship contract. Supporting regional development should be executed based on the national strategy of regional development and also on the initiative of voivodship self-governments. A voivodship contract defined the scope, mode and conditions of executing tasks resulting from voivodship self-governmental programmes, which got the support from the government and departmental tasks supported by self-governmental units and other authorized subjects.

In terms of spatial nomenclature “areas of support” are mentioned in the act. Detailed rules of separating those areas shall be included in the national strategy of regional development. Those areas are understood as parts of the country with developmental problems requiring specific actions from the Council of Ministers, public administration or units of local self-government. The aim of supporting the development is to even out differences in the level of development of particular parts of the country and give equal opportunities to the citizens regardless of their dwelling place. The aim is also to decrease the level of economic backwardness of the poorly developed areas, which have less beneficial conditions for development. Simultaneously, the effort is also made to create conditions increasing the competitiveness of self-governmental communities.

An important role in the planning system is played by periodic reports on the status quo of spatial management. Based on them conclusions for potential changes in the

planning policy and motions for changes in spatial development shall be drawn. It can be concluded that planning at voivodship level shall be of regional planning nature tightly connecting spatial planning with the economic one.

All the planning documents made at the governmental and self-governmental level shall be co-dependent. Such a co-dependence is ensured by the obligation of mutual agreeing upon plans. The most important role in the process of executing supra-local plans shall be played by local spatial management plans because every new investment made by specific governmental and self-governmental bodies has to have rooting in those plans. In case of governmental tasks approved by the Council of Ministers and voivodship programs passed by voivodship parliaments, a negotiating mode will be applied in order to include those tasks and programmes into local plans. The subject of negotiation will particularly be the costs connected with drawing up a plan and financial effects resulting from its enactment. A procedure of introducing an investment task, both a governmental and a voivodship one, to a local plan is not easy. It requires securing financial means in the budget, which can be a difficult barrier to overcome if talking about big investments.

In the scope of spatial planning, self-governmental administration at the county level has got very limited competences. It can only make analyses and studies in the scope of spatial planning within the area of their own subject-matter property. Thus, spatial management plans will not be made at that level and analyses and studies will not be binding. Proposals concerning making of or introducing changes to local spatial management plans shall be put forward to communes by county boards. Those proposals shall especially secure portions of land appropriate for execution of undertakings that county self-governments hold responsibility for.

3.3. Spatial planning at national level

3.3.1. Objectives and scope

The Act on planning and spatial management differentiates between shaping spatial policy of the state and its execution. Shaping spatial policy of the state belongs to the competences of the state bodies, while the responsibility lies with the Council of Ministers, respective minister for spatial management as well as other main and central bodies of public administration and voivodes.

The system of supra-local governmental planning acts is quite centralized. In the Polish system of spatial planning there are two separate sub-systems: centralized and less nationalized system of acts of spatial policy of the state and de-centralized system of self-governmental planning.

The system of acts of spatial policy of the state is constituted by:

- national spatial management concept,
- programmes including governmental tasks for the execution of public goals of national significance,
- other planning acts: periodical reports on national spatial management concept, programmes referring to the issues and areas remaining in the strategic and social-economic forecasts, studies and planning analyses.

3.3.2. National spatial management concept

The basis of the state's planning acts is constituted by the national spatial management concept. The country creates its spatial policy through that concept. The concept is an act of a special kind. It comprises mainly a set of planning pieces of information. In that meaning, the concept is a planning act of a prognostic nature. Thus, it does not have the value of an internally binding legal act, and even more so that of a commonly binding one. However, following the regulations of the Act on planning and spatial management, the Council of Ministers is obliged to decide to what extent the concept will form the basis for making programmes of execution of public goals of national significance. In the scope of those decisions the concept becomes a binding act for the bodies of public administration. Consequently, in that part the concept becomes a legal act, internally binding and decisive for the selection of specialized planning trends (governmental programmes). Irrespective of that, the concept forms the basis for drawing up the voivodship spatial management plans.

The content of the national spatial management concept comprises determinants, goals and trends in the balanced development of the country. The fundamental assumption of the concept is the strategy of sustainable development. It enables an active and conscious shaping of the process of gradual liquidation of the existing disproportions as well as consolidation of the priority strategic goals and global European mega-trends of development.

The main motive for the selection of strategic goals constituting spatial policy of the state is a historical necessity, the opportunity to energize the development, and also to achieve European standards of social living through a significant increase of competitiveness of national economy in the open world system. Such formulated motive and general goal determine the system of co-dependant goals. In the most general and universal perspective they constitute the structure, in which:

- shaping mechanisms generating an effective socio-economic development of the country,
- gradual, but constant and socially discernible improvement of civilization standards of the society,
- protection and rational shaping of the natural environment,
- preservation of cultural heritage and consolidation of Polish identity in the space of the European system;
- increasing national security, are provided for.

The contribution of spatial policy in the execution of strategic goals should be forming spatial structures creating favourable conditions for an improvement of the living standards, active preservation of the natural environment and cultural heritage, economic growth, European integration and national security.

The evolution of locating Polish space in Europe and its internal determinants document that an open spatial system of the state, which would energize the transformations in the first decades of the 21st century, could occur through:

- capital metropolis Warsaw,
- a set of potential centres of social-economic development of European significance (so called Europolis),
- zones of potentially highest innovation and socio-economic activity alongside the zones of technical infrastructure,
- network of supra-regional and regional centres of balancing development,
- zones and centres of tourism,
- European and national ecological network of preservation and management of the natural environment.

3.3.3. Sectoral planning

Sectoral planning in the spatial aspect occurs in all the spatial scales in Poland. In most cases the arrangements of sectoral plans do not have legal validity. However, they are an important factor in taking decisions as part of the arrangements of spatial management plans. Spatial concepts of the development of technical infrastructure, building public objects etc., become effective only after they are transposed to plans of spatial management.

Programmes including governmental tasks serving the purpose of execution of supra-local public goals of national significance are specialized planning acts. They are drawn up by proper Ministers and central bodies of public administration, after submission for an opinion to the legislative bodies of proper voivodships.

Governmental programmes in question are given their final voice in resolutions of the Council of Ministers. Once the resolution is issued, the programme becomes a binding act and enters the register of programmes including governmental tasks serving the purpose of execution of investment of public goal of national significance. The register is kept by the Minister proper for building, spatial and housing economy. The task of that Minister is to take up actions, so that arrangements of the above mentioned programmes occurred in the voivodships' spatial management plans. In order to ensure that, the legislator obliges the Minister to put forward to a marshal of the proper voivodship a motion for incorporating the programme into the voivodship spatial management plan, so that it is further possible to transpose the arrangements of the programme into the studies of determinants and directions of the spatial management of a commune and their local spatial management plans.

4. Interdependencies

4.1. Hierarchy of planning levels

All the planning documents of lower levels should include the arrangements of the higher-ranking offices plans, i.e. to be compliant with them. However, the criteria for that compliance are not clearly defined and are rather dependent on the relation among the planning subjects.

4.2. Harmonisation of different planning areas at the same level

Harmonisation of plans at the same level is formally provided for by the requirement of making arrangements on specific plans with the plans binding for the neighbouring areas. In practice, it depends on the mode of execution of that requirement by the planning subjects.

4.3. Harmonisation between multi-sectoral and sectoral planning

In Poland, sectoral planning has a diversified formal and real significance. Harmonisation comes about, as in other cases, in the mode of arrangements between the subject of spatial planning and a proper body of public administration. In spatial plans there are also planning decisions of public and private subjects providing public services. Arrangements with bodies of public administration and economic subjects responsible for exploitation and development of technical infrastructure (transportation, telecommunications, power industry, water supply and sewage system, etc.) are of special importance.

4.4. Harmonisation between different sectoral plans

Harmonisation of that kind is not legally sanctioned. Sometimes it appears from detailed regulations, but in practice there are numerous difficulties resulting from the competing domains among individual ministries, governmental agencies and departments.

4.5. Consideration of planning approaches in neighboring countries and at the European level in the different planning levels

The Polish legislator does not require taking into consideration such determinants. In practice there is a co-operation among the planning subjects in the trans-border area. However, it does not have a formal character. Those questions are more and more often raised in the discussions on amendment of the Act on Spatial Planning and Management. It is anticipated that especially the new national spatial management concept and spatial management plans of trans-border voivodships should consider

European determinants, the arrangements of the Territorial Agenda and the whole Rotterdam Process.