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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 bidding 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.