Encyclopedia
of
Public Administration

Encyclopedia of Public Administration

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Foreword

In every country, public administration constitutes a permanent and essential element of social and public space. This is so in functional terms – when we consider a group of activities and implementation actions performed in a constant, purposeful and planned way in order to fulfil the needs, tasks and interests belonging to the public domain. This is also true in institutional terms – when we focus on structural solutions serving executive management (auxiliary or even servitude) in view of the objectives and lines of action. And this is also the case when we consider the various bodies of an institution, that is distinct entities equipped by law with decision-making powers of a comprehensive nature, as well as offices – organizational units functioning under different proper names, which integrate the institutional, material and staff structures performing an auxiliary or supportive role with respect to one or a few organs. At the heart of public administration activity lies the need for the implementing service of needs, tasks and interests belonging to the public domain. In fact, there are few areas of activity, in which state administration with its various competences does not appear in different roles. Knowledge regarding this administration is a resource used in various theories and practices.

This publication, prepared by a team of authors invited by Professor Jolanta Itrich-Drabarek, Head of the Department of State Sciences and Public Administration at the Faculty of Political Sciences and International Studies, University of Warsaw, deserves attention for several important reasons. First of all – it concerns matters we face daily as citizens and residents of municipalities, counties and voivodships. The book presents synthetic knowledge indispensable to residents and their relations with public offices and authorities. This knowledge is of vital importance to all those who wish to understand the current ongoing processes and in order to actively participate in their shaping. Second of all – the initiator managed to assemble a team of distinguished authors who guarantee the high quality of this publication. It consists of several hundred terms which in an orderly manner present the values, principles, normative solutions, institutions, procedures and staffing solutions in public administration in Poland. The subject matter is presented in institutional, functional and praxeological terms and shows the relations between public administration and the state. The publication presents a comparative background with standards found in international law and solutions practiced in other democratic countries. It summarizes the administration performance standards, including standards governing the relationship

between the state, administration and politics. Hence, the publication may also be useful to specialists dealing with the issues of civil society and public authority in Poland. Third of all – the presented material focuses on presenting solutions and therefore particular entries will outlast relatively frequent changes regarding detailed normative solutions. And finally – the encyclopedia has its internet version, which allows for successive updating in response to changes in normative regulations and public administration practices.

The encyclopedia emphasizes the social dimension of public administration formed in response to community-based relations between people within the framework of society, seen as the widest form of a community. This comprehensive community is characterized by a relative distinctiveness within the frame of institutionalized territorial social relations, which emerged as the result of the division of needs and tasks into those attended to in the individual and community-based mode and the appearance of needs and tasks rising from the individual – group relation in response to the formation of the private and public domain. The encyclopedia summarizes the different ways of defining public administration and shows elements common to all descriptions, which are designated by tasks, activity and the position of the state; the law establishing the system, functions, tasks, competences and procedures for the operation of administration; the organization of society. In this publication the reader will find content regarding the basic administration models, areas of differentiation and unification, functions, modes of operation, competencies and institutional solutions in state administration, including government administration (at the central and territorial level and local government administration in municipalities, counties and voivodships. He will also find information regarding the specificity of administration in large cities.

This publication is characterized by a detailed description of local government issues found in many entries. The legal and factual formation of local government in a manner consistent with European standards is one of the greatest achievements in the process of political system changes after 1989. Local government has a dual identity: community-based and institutional-administrative. In this publication these mutually interrelated identities are explained in a substantive and comprehensive manner. In local government, sovereignty, participation and self-governance in many cases overlap, creating a new quality. In fact, there can be no civil society without local government matters. The basis in this respect is provided by the concept of the autonomous and independent management of matters based on, and within the limits, of the law. This management is conveyed by citizen corporations formed on the basis of the criterion of territorial affiliation to local and regional communities. It is impossible to understand the mechanisms of public authority without reflecting upon the subject of local government. The local government is part of the community framework embracing territorial units, which take into consideration social, economic and cultural ties. A substantial part of public tasks delegated to the local government

by legal acts are implemented at its own responsibility and in its own name. The particular Encyclopedia entries show the changing trends that influence local government matters. You will find information regarding the strengthening of local government in such areas as: legal guarantees, tasks and responsibilities, legal status, participation in the creation of law, finances, human resources, relations with government administration, the extent of autonomy in forming associations. The publication presents the process of expanding the scope of local government activities in the state structure: from restrictions at the local level to being present also at the regional level (autonomously or concurrently with government administration).

The authors of the publication reflected their explicit opinion that local government is foremost the right and capability of local communities to fulfill their interests. Therefore, attempts undertaken in order to apparently strengthen the state at the expense of the local government cannot be ignored. There is no doubt that the road to the optimization of public administration leads through improvement and not through the constriction of local government. The publication gives an extensive knowledge on the main areas of tension and problems occurring in local government. These may be found: in mutual relations between the communal and administrative – institutional identity; in the structural and financial system and within the competence scope of the local government and the state; in equalizing living conditions in the strongest and weakest territorial units; in relations between the local regulatory authorities and the implementing bodies; in the activity of the members of local communities, without which the idea of self-government lacks buoyancy. The value of this publication lies in the fact that the above mentioned problems are not only noticed but also substantially discussed.

In Poland today, the majority of matters of the public sphere depend on the shape and capacity of the functioning of public administration. This publication encompasses public administration in a dynamic way. It shows the "trail" of historic change: from commanding administration to public service administration and from classic administration to the new public management and public policy and participatory administration. The background of this presentation gives rise to the dispute between the concept of omnipresence of the state and the administration and the concept of subsidiarity. The particular entries include the main directions of administration modernization connected with: its changing position in public space; system and structural transformation; professionalization; strengthening transparency, integrity, impartiality and accountability; increasing operational efficiency; proinnovative changes; adapting to act in changing situations and tensions and in states of emergency; preparing for effective operation in the common European administrative space; opening to the challenge of the personalized communication civilization era.

In this book the reader will find the distinction between the subjects of classical administration and the administrating bodies, including the new public

administration bodies: economic and professional self-governments and non-governmental organizations performing administrative activities within the institution of public-social partnerships and economic operators within the framework of a public-private partnership.

The publication contains terms that show the significant process of withdrawing from formal and quantitative criteria in assessment procedures and in public administration management systems in favour of quality criteria; from traditional control to assessment as a mechanism of evaluation (attributing value) of results based on the criteria of legality, appropriateness, accuracy, durability of the effects, efficiency and social usefulness. This process concentrates on the significance of the achieved effects and the quality of programs, projects and policies.

In comparison to other books found on the publishing market, this item to a far greater extent successfully integrates the approach appropriate to political science, administrative science, administrative law (in the political system, material and procedural aspect) and administrative policy. The approach is interdisciplinary. This is undoubtfully a value and specific feature of the book, which should be sought in search of various approaches to particular issues regarding public administration, but which can also be regarded as a comprehensive monographic study on administration, which also includes an extensive bibliography note.

Grzegorz Rydlewski

Introduction

After 1989 public administration in Poland underwent changes due to the social and political transformation. Many already existing entities received new competences and assignments, new bodies were created and permanently incorporated into the social and political system. The quality of the functioning of public administration in Poland is influenced by reforms and modernization processes, changing legal conditions, the development of social, economic and technological potential, emphasis on the efficiency of administration staff, processes of Europeanization and globalization, as well as the scale, size and scope of tasks of territorial units.

The Encyclopedia of Public Administration is an attempt at redefining the basic concepts connected to the different role of public administration in the Polish political system after 1989. New definitions of these concepts are necessary, because public administration is a permanent element of the political system, On the one hand, its role and assignments are of a permanent nature – it is tied to the maintenance of the states' function (with respect to territorial division, the constant fulfillment of the basic needs of citizens, being an active animator of cultural, economic and social life, both at the central and local level). On the other hand, the role and assignments of public administration are variable – with respect to adapting to the changing surrounding conditions and economic, social and political changes.

The *Encyclopedia* is a result of the work of a team of notable researchers from national and international science centers. Representatives of such academies as the University of Warsaw, Jagiellonian University in Kraków, Adam Mickiewicz University in Poznań, University in Wrocław, Cracow University of Economics, Maria Curie Skłodowska University in Lublin, Państwowa Wyższa Szkoła Zawodowa w Oświęcimiu (Public University of Applied Sciences in Oświęcim), University of Zielona Góra, Universität Potsdam (Germany) and University of Pittsburgh (USA) have participated in developing the Encyclopedia entries, as well as the Ministry of Finances and Chancellery of the President of the Council of Ministers employees. Other participants include a team of graduate students working under my guidance.

The Encyclopedia entries do not depict detailed information regarding legal basis – there is no cross-reference to specific articles and paragraphs, and the titles of acts are simplified. However, the annex lists all legal acts connoted in the entries. The term "official" is used in most of the entries in a broader sense,

ie. it refers to persons employed in Polish public administration and occupying "official positions".

Finally, I wish to extend my sincerest thanks to all those who have engaged in this difficult and important undertaking – the formulation of entries of the *Encyclopedia of Public Administration*. I would like to encourage all those interested to make use of the electronic version: encyklopediaap.uw.edu.pl.

Jolanta Itrich-Drabarek

List of abbreviations

GNI – General National Income

c.a.p. – code of administrative procedure

GDP – Gross Domestic Product

TFEU – Treaty on the Functioning of the European Union. The TFEU originated as the treaty establishing the European Economic Community: 1958–1993, afterwards renamed as the Treaty establishing the European Community: 1993–2009

TEU – Treaty on European Union, an international agreement initialled on 11 December 1991, signed 7 February 1992 in Maastricht, Netherlands

EU – European Union

vac – voivodship administrative court

The list does not include abbreviations used within particular entry articles and related to the article itself or abbreviations explained therein.

A

ACCOUNTABILITY – 1. the principle of the concept of → good governance and 2. the principle of → management control. As part of good governance, accountability is the ability to indicate the institution responsible for a given activity, and thus the possibility to assess its undertaken initiatives. A. is closely related to transparency, it refers to the functioning of the control and supervision institutions, as well as the media's ability to control actions of the state authorities (freedom of the media). Broadly understood, a. refers to political responsibility for conducting public policies, which enables well-established and functioning democratic mechanisms, as well as the possibility of making an objective assessment of the effectiveness and efficiency of operations, which guarantees a clear division of competences in the implementation of the state tasks. In the light of the functioning standards of the public finance sector within the so-called management control, a. is understood as an obligation to present a report on its activities and to settle the imposed tasks. The principle of a. goes beyond traditional financial and budgetary reporting. In a broader sense, "being accountable" includes answers to questions about effectiveness, economy, legality, timeliness and adequacy of actions taken and their effects in relation to objectives and needs. In the perspective of binding principles of the highest control and audit bodies, a. is understood as a process by which public organisations and persons acting within them account for responsibility for decisions and actions taken, including for their servicing of public funds and all aspects of performing tasks. [Ł. Małecki-Tepicht]

Literature: *Koncepcja good governance – refleksje do dyskusji* [The concept of good governance – reflections for discussion], Ministerstwo Rozwoju Regionalnego, Warszawa 2008 ■ T. Mering, *Pomiar jakości rządzenia (governance)* [Measuring the quality of governance], [in:] *Nowe idee Zarządzania Publicznego. Wyzwania i dylematy* [New ideas of Public Management. Challenges and dilemmas], ed. E.M. Marciniak, J. Szczupaczyński, Warszawa 2017 ■ Ministerstwo Finansów, *Kontrola zarządcza w sektorze finansów publicznych. Istota, unormowania prawne i otoczenie* [Management control in the public finance sector. Essence, legal regulations and surroundings], Warszawa 2012.

ADMINISTRATION – Latin: *ministrare* – service, execution, action subordinated to orders. Written with the suffix *ad* ("towards") – that gives this action a feature of potential purpose – this word is synonymous with: help, service, leadership, direction, management, governing or organising to achieve a certain goal, etc. As Emanuel Iserzon emphasizes, the shade of purpose of action has made this term more relevant as an indication of the activity of directing. The word *administrare* was adapted in Polish to the form of "to administer" (hence the administration).

According to Iserzon to administer means to direct the performance of particular tasks so that the means used were appropriate to achieve the objective goal. There are many different definitions of the term "administration" in the literature on this subject. The diversity is primarily due to the timing of the definition and the social, economic and political conditions prevailing at that time. Edward Ochendowski emphasizes that such a state of affairs is not due to the lack of scientific ability to formulate this matter by doctrine, but finds its basis in the characteristics of a. in the areas of its activity, its structure and forms of action, which are so diverse that their full definition is almost impossible. More than 100 years ago, Gerard Cooreman, the then Prime Minister of Belgium, said that three things related to each other but different should be understood as a.: the whole of the executive's attributes, the execution of these attributes, the total of the officers and staff, that is the administrative personnel. Henryk Fayol, on the other hand, contesting such a perspective of evaluation argued that a. covers not only state offices and services, but businesses of every kind, size, form and purpose. Stanisław Kasznica remarked in a similar tone since he believed that we use the word a. to describe the long-term and planned activities that encompass a certain group of people and the multiplicity of goods and aiming at the ultimate goal of satisfying the needs – of the administrator's own or others. In his opinion, a. is a phenomenon that occurs in every area of human life. Individuals (physical persons), associations or unions (legal entities), and the state administer (manage). The term "administration" without any qualifier used in the above meaning is similar to the colloquial meaning. Adding the qualifier significantly changes this situation. By clarifying and pointing out that one means, for example, either private or public a., significant narrowing of the meaning is made. According to Janusz Borkowski, adjectives: state, public and private, bind actions, persons and structures with defined relationships, interests, premises and assumptions of policies. Almost from the dawn of history public administration (historically also referred to as royal, princely, state, etc.) has acted as servant of the system and executive apparatus of public authority. Only from the 18th century did the a. begin to have special characteristics, also typical of the one contemporary to us. These characteristics can be reduced to three aspects: the overwhelming emphasis on the bureaucratic system, the coverage by the a. of a significant area of social importance, and basing its action on general legal norms. Increasing the activity of public authorities in the field of law-making has led to a further change in the perception of a. The term a. reflects the political and legal views and ideas connected with the particular stage of the development of the society. (→ public administration, government administration, local-government administration) [K. Mroczka]

Literature: E. Iserzon, *Prawo administracyjne* [Administrative law], Warszawa 1968 ■ H. Izdebski, M. Kulesza, *Administracja publiczna. Zagadnienia ogólne* [Public administration. General issues], Warszawa 2004 ■ E. Ochendowski, *Prawo administracyjne. Część ogólna* [Administrative law. General part], Toruń 2004.

ADMINISTRATION IN CHURCH – in secular religious law, history and social sciences, the term "church" (Greek *ekklesia*) means organised Christian denomination (e.g., Catholic Church, Orthodox Ch., Eastern Ch.). The administration in ch. means: 1. all activities consisting in carrying out tasks belonging to a given ch.; 2. a group of church bodies of one-person and collegial character that deal with management. An example of the Catholic Church's (C.ch.) administration will be discussed, which is a global organisation, has a hierarchical structure and a multi-levelled territorial and administrative structure (church provinces, church regions, dioceses, deacons, parishes). Basic authority bodies in C.ch. are bishops who exercise legislative, executive and judicial power: the bishop of Rome (pope) in the universal church, bishops in the particular churches (dioceses). Specialised auxiliary bodies, equipped with ordinary substitute authority and appropriate administrative competences, assist the Pope and the bishops in carrying out administrative tasks. The Pope's auxiliary bodies are the Roman Curia and papal legates. For the diocesan bishops, the auxiliary bodies include: vicar general, vicar bishop, diocesan economist, moderator of the curia. These are the one-person bodies that are part of the diocesan curia. The collegial bodies include, inter alia, a college of chancellors, presbyterian council. Deacons and parsons are the one-person auxiliary entities of the diocesan bishop in the organisational units entrusted to them (deaneries, parishes). The conduct of the church administrative bodies is defined by the general administrative procedure (the making of administrative acts) and the special procedure concerning the management of the church property, removal and transfer of parsons, transfer of clerics to secular status, removal of members of monastic congregations, matrimonial matters, imposing penalties in administrative mode. [B. Górowska]

Literature: *Kodeks Prawa Kanonicznego* [z 1983 r.], przekład polski zatwierdzony przez Konferencję Episkopatu Polski [Code of Canon Law [from 1983], Polish translation approved by the Polish Episcopate Conference], Poznań 1984 ■ J. Krukowski, *Prawo administracyjne w Kościele* [Administrative law in Church], Warszawa 2011.

ADMINISTRATION OF AN ABSOLUTE STATE – administration of an absolute monarchy, where the monarch's power was not limited by any other state body (Europe of the day of absolutism of the 17th and 18th centuries – classical absolutism). Absolutism is based on the idea of the full sovereignty of the monarch who can interfere in all spheres of life, on the idea of the unity and indivisibility of political power. Absolute rulers, combining legislative, executive and judiciary powers in their hands, stood at the top of the pyramid of administrative authorities. The apparatus of the a.a.s. was organised hierarchically, with higher authorities having the right to issue orders to lower bodies, and the latter were responsible for their implementation under pain of disciplinary sanctions. Of course, the ruler was the supreme commander, who was not accountable to anyone. Under these conditions the subjects did not have any rights against the

authority of the a.a.s. The most important foundations of absolute power were fixed taxes and a permanent army. An extensive administrative apparatus was necessary for their organisation. The process of creating an absolute monarchy was accompanied by the construction of a modern structure of local and central management, taking into account the needs of society. A.a.s. was supposed to provide rational order, stability, and security to the subjects. The scope of operation of the state apparatus considerably expanded, including new areas of social and economic life. A maximum concentration of power in the hands of the monarch ensued in the absolute state, restricting the influence of aristocracy and nobility, and at the same time suppressing the political aspirations of the rich bourgeoisie. The organisational structure of public administration was based on two basic principles: centralism and bureaucratism. Centralism meant the execution of the management of the state by the king with the help of a broadly developed state apparatus, which functioned in accordance with the principle of hierarchical subordination. The strict subordination of administration to the monarch meant that individual officials did not have independent powers, they only exercised power in the scope given to them by the king. The ruler had the exclusive right to make decisions. The norms of administrative law issued by the monarch were only valid for the subjects, whereas the administrative apparatus was not strictly bound by the law, because the most important criterion of its functioning was the interest of the ruler who acted in the name of divine rights for the benefit of his subjects. The administration's preference for advisability at the expense of the legality of action led to the emergence of a phenomenon of clerical arbitrariness. The most important feature of bureaucratism is the professional nature of the administration. Performing administrative functions was the basic source of livelihood for a civil servant. Work in administration required the appropriate preparation of theoretical officials who became professionals in their profession. Individual officials specialized in dealing with a specific category of cases, and the division of cases was carried out according to the material criterion. Centralism did not serve any separateness in the state administration, it also excluded the functioning of local government. For the absolute state, the tendency to use collegiate bodies was typical, both in the central and local management. The absolute ruler was of the opinion that in this way he was building more comprehensive administrative structures, as well as more honest and impartial ones. Colleges were supposed to be safer for the ruler (one-person offices give dignitaries more chances to compete with the highest sovereign and to tear some part of his power away from him) and at the same time to guarantee continuity of conducted policy. The strenuousness, routine and slowness of collegial bodies were some kind of shield against arbitrariness of a disrespectful of the law and unpredictable despot. Collegiality, however, had weaknesses: responsibility for decisions diminished, the heaviness of collegial office operations resulted in the slowness of the functioning of the state machine and large losses of energy. The peculiarity of the absolute state was the sale of offices.

From the early 17th century, the principle of inheritance and the right to sell an inherited office was in force. The saleability and inheritance of offices not only gave financial benefits to the monarchy, but also strengthened the monarch's alliance with his officials. People who lost a fortune in the purchase of an office and thus gained prestige, nobility, income, some part of power, were interested in the successes of their ruler and the stability of the entire monarchical system. The inflow of new bourgeois cadres to the administration was conducive to its rationalization (bank accountancy, banking, statistical techniques). The absolute monarchy paid its officials very badly and clerical corruption appeared on a large scale.

The characteristic principle of ministry formed in 17th century France, and it consisted in the division of administrative executive competences between independent organisational divisions known as ministries, headed by ministers in charge of a team of field officials subordinate to them. Contemporary French administration is a continuation of the principles and basic solutions from the day of absolute monarchy, which in France lasted for a very long time – from the 15th century to the Great Revolution. The final character of the institutions was shaped by Louis XIV. France did not go through the stage of enlightened absolutism. [J.G. Otto]

Literature: J. Baszkiewicz, *Powszechna historia ustrojów państwowych* [Universal history of state systems], Gdańsk 1998 ■ D. Janicka, *Ustrój administracji w nowożytnej Europie – zarys wykładu z historii administracji* [The system of administration in modern Europe – an outline of the lecture on administration history], Toruń 2010 ■ *Nauka administracji* [The science of administration], ed. B. Kudrycka, B.G. Peters, P.J. Suwaj, Warszawa 2009.

ADMINISTRATION OF THE EUROPEAN UNION – intentional activities carried out by the EU institutions, agencies and organisational units in order to implement the provisions of the European Treaties (→ administration). The AEU is based on the same principles as the national administration: the place of national interest is taken over by the interest of the Union, the counterparts of national officials are the EU officials and functionaries (employed on the basis of an employment contract in a form of appointment in the EU institutions and agencies), the place of the national bodies – the EU institutions, the national laws (e.g., the constitution, statutes, ordinances, decrees) – acts of the EU law (e.g., treaties, directives, regulations). Its organisation and operation are based on patterns taken from the administration of the member states. The AEU is not uniform. There are three distinctive types: 1. political a. (the European Council and the Council of the EU), 2. bureaucratic a. (Commission and agencies), 3. official (clerical) a. In the official sense, the EU administration is the European civil service, the official corps recruited in competitions for posts in the EU institutions and agencies by the European Personnel Selection Office. Under the TFEU, the Union's institutions, bodies and organisational units

benefit from the support of an open, efficient and independent European administration when performing their tasks. [K. Tomaszewski]

Literature: Ch. Groutage, *Jak zostać urzędnikiem Unii Europejskiej* [How to become an official of the European Union], Warszawa 2008 ■ M. Małecki, K. Tomaszewski, *Status urzędnika Unii Europejskiej* [Status of an official of the European Union], Warszawa 2005 ■ J. Supernat, *Administracja Unii Europejskiej. Zagadnienia wybrane* [The European Union administration. Selected issues], Wrocław 2013.

ADMINISTRATIVE APPROVAL – an institution appearing in law and administrative procedure, enabling relatively flexible operation of a public administration body in certain cases determined by law. Firstly, it may consist in the fact that with the actual state of affairs, the administrative authority may resolve the case in various manners, and each settlement will be legal. Secondly, in some situations, the administrative authority may behave in a certain way, but the factual state in which the action may be carried out is not indicated (the body may take action at the moment it deems it appropriate). Finally, the justification of the body's operation in the description of the facts may be expressed in legal provisions in a vague, indeterminate manner (e.g. public interest). It should be emphasized that while using the institution of a.a. the public administration body does not have full freedom and discretion in deciding which course of action to take. Every action of public administration must take place on the basis and within the limits of the law, which results directly from the provisions of the Constitution of the Republic of Poland. This means that a.a. in any case must have a specific legal basis and result from applicable legal regulations. As is clear from the jurisprudence of the Constitutional Tribunal, in accordance with the requirements of the democratic state of law, there can be no question of any "free", i.e. within certain limits unconnected with the law and uncontrolled, operation of the administration. From a formal institution, establishing freedom, unlimited possibility of settling, free approval is only transformed into a form of flexible administration that allows and obliges the relevant bodies to examine all circumstances of a given case in order to come to the decision that is most appropriate and reflects the objective truth and its goal (judgment of Constitutional Tribunal of 29 September 1993, file reference no. K 17/92, OTK from 1993/II/33). Also in the jurisprudence of administrative courts it is indicated that whilst applying the a.a. the administration body is obliged to examine the facts in detail and record the results of the evidentiary proceedings in the files (judgment of the Supreme Administrative Court of 16 November 1999, file reference no. III SA 7900/98, SIP LEX no. 47243), and additionally – making a discretionary decision the administrative body according to Article 7 of the c.a.p. is obliged to follow the legitimate interest of the citizen, if it is not prevented by social interest or if it does not go beyond the capacity of the public administration body which results from the powers and means granted to it (judgment of the Supreme Administrative Court of 28 April 2003, file reference no. II SA 2486/01,

SIP Lex no. 149543). It is also important that the discretionary decisions of public administration are subject to the control of administrative courts as to the possible exceeding of the statutory authorization by the administrative body to issue a specific settlement and the possible abuse of the institution of a.a. by acting against its goals. [R. Cieślak]

Literature: Z. Duniewska et. al., *Instytucje prawa administracyjnego* [Institutions of administrative law], System Prawa Administracyjnego [The system of administrative law], vol. 1, Warszawa 2015 ■ M. Wierzbowski et. al., *Prawo administracyjne* [Administrative law], Warszawa 2001.

ADMINISTRATIVE DECISION – one of the basic forms of action of public administration bodies in Poland. In material terms, it consists in the substantive, authoritative settling of the individual affairs of citizens (in terms of their rights or legal obligations) on the basis of the rules of administrative (material) law. In procedural terms administrative decision closes administrative proceedings conducted by a public administration body on the basis of norms of formal administrative law. In the sphere of public decision-making a.d. can be interpreted as the result of the decision-making process in the area of individual cases in a highly formalized manner, defined primarily by the Code of Administrative Proceedings. The decision-maker is a public administration body which has been appointed to carry out the tasks of the public administration, and the addressee of the decision may be either a Polish citizen or a foreigner, additionally, a.d. can be addressed to other entities – decisive on the application of this form of administrative action is that the addressee of the a.d. is not in business or organisational relations with the decision-maker. Negligence of the procedure may result in challenging of the a.d., which in turn leads to a waiver of its implementation. This can be done by the administration itself, admitting to having made mistakes in the process of making a.d., or it may be a result of an "external controller", i.e. an administrative court, whose control action will be triggered by a request from a dissatisfied addressee of the a.d. Decisions are made with the use of state power without the need to involve a common court. [A. Mirska]

Literature: A. Mirska, *Decydowanie w trybie postępowania administracyjnego* [Decision-making in the course of administrative proceedings], [in:] *Decydowanie publiczne* [Public decision-making], ed. G. Rydlewski, Warszawa 2011 ■ E. Ochendowski, *Prawo administracyjne, część ogólna* [Administrative law, general part], Toruń 2013.

ADMINISTRATIVE DUALISM – the structure of public administration assuming the presence of two administrative divisions – government and local government. They are built on different principles: the government administration (g.a.) is an example of centralized administration, the local-government administration (l.g.a.) – decentralized. In Poland the a.d. exists since 1 January 1999 at the level of the voivodship – it is the local-government unit and at

the same time the largest unit of the territorial division of the country in order to perform the public administration. In the voivodship there exist simultaneously the g.a. – carrying out actions for the benefit of the state, understood as a whole, as well as the l.g.a. – carrying out tasks in the regional sphere, on behalf of the local community and under its responsibility (local government has a legal personality separate from the state). They are differentiated by tasks and competences and authorities: voivode in the the g.a., the voivodship board (headed by the marshal) in the l.g.a., as well as official structure: respectively voivodship office and marshal's office. The a.d. generates certain moot points, even when assessing the measurable effects of the administration, or when implementing the EU programmes and aid funds. In the context of a.d. the → subsidiarity principle is of substantial importance, which requires assigning the public task to the lowest possible level (if it is able to do the job properly). The a.d. also occurs in other European countries (France at the level of departments and municipalities, Germany at the level of municipalities and counties). An example of an inverse structure is the administrative monism, assuming only one public administration structure (example of England). [J. Wojnicki]

Literature: H. Izdebski, M. Kulesza, *Administracja publiczna: zagadnienia ogólne* [Public administration: general issues], Warszaw 2004 ■ E. Ochendowski, *Prawo administracyjne; część ogólna* [Administrative law; general part], Toruń 2013 ■ Z. Leoński, *Nauka o administracji* [Administrative science], Warszawa 2010.

ADMINISTRATIVE JUDICIARY – from the subjective perspective, it includes the → Supreme Administrative Court (SAC) and administrative courts (currently, 16 voivodship administrative courts), which perform the administration of justice in the Republic of Poland as special/separate courts (next to the Supreme Court, common courts and military courts). From the subject matter perspective, this is a kind of control of activity (or inaction) of public administration performed by the state bodies independent of the public administration (external control of the administration). Administrative judiciary is one of the basic guarantees of the democratic rule of law and consists principally in judging the legality of administrative acts. The basic aim of judicial-administrative control is to protect the rights of citizens by ensuring the legitimate activity of the administration towards the citizens (protection of subjective rights) and the protection of the objective legal order of the Republic of Poland. Administrative control conducted by the administrative courts also includes deciding on compliance with the statutes of local government's resolutions and normative acts of government administration's territorial bodies, resolving competence disputes between local-government and government administration, and verifying supervisory decisions on local government bodies. Administrative control by administrative courts operates on the basis of a complaint (complaint to vac and cassation appeal to the SAC), it cannot be initiated ex officio. Unlike common courts, the decisions of administrative court take form of

a cassation. This means that the court may eliminate (cancel) from the legal order the illegal form of public administration's action, but it cannot settle the administrative case as a substitute for a public administration body – so there is no possibility of issuing a legally valid act in place of the illegal one. The current two-instance model of administrative judiciary has been functioning since 1st January 2004. [A. Mirska]

Literature: J. Jagielski, *Kontrola administracji publicznej* [Control of public administration], Warszawa 2012 ■ *Polskie sądownictwo administracyjne – zarys systemu* [Polish administrative judiciary – an outline of the system], ed. Z. Kmieciak, Warszawa 2017.

ADMINISTRATIVE PROCEEDINGS – a series of procedural activities carried out by → public administration bodies and other entities that are parties to the proceedings aimed at resolving a specific case. Proceedings before administrative bodies can be divided into: 1. deciding p. (adjudicative) – as a mode, a sequence of handling individual administrative matters; 2. auxiliary p., which aims to enable and secure the proper course of the deciding p.; 3. executive p. (enforcement), whose purpose is to use the state coercive measures causing the performance of certain duties. General (jurisdictional) a.p. is divided into: main p. – aimed at reaching a substantive decision, and extraordinary p. – aimed at verifying the decision issued in the main proceedings. One can additionally distinguish special p., with tax p. as an example, and simplified p., applied for simple matters in terms of fact and law, characterised by a faster pace of procedure and limited formalism (a legal basis is required to allow to settle the matter in this mode). The subjective scope of admissibility of the general a.p. was designated by the definition of the public administration body (in this mode, matters falling within the competence of public administration bodies are dealt with) and by appointing a group of entities and participants in the proceedings. The subject-matter scope of a.p. concerns the settlement of individual cases falling within the competence of public administration bodies by way of administrative decisions. [B. Springer]

Literature: B. Adamiak, J. Borkowski, *Polskie postępowanie administracyjne i sądowo-administracyjne* [Polish administrative and court-administrative proceedings], Warszawa 2003 ■ P. Gołaszewski, *Postępowanie administracyjne i sądowoadministracyjne* [Administrative and court-administrative proceedings], Warszawa 2009.

ADMINISTRATIVE PROMISE – a specific administrative act in which a public administration body obliges itself towards a specific recipient to specific behaviour in the future. Issuance of an a.p. is a "self-binding" of the administration's body with its findings. The content of the a.p. is also binding to its addressee. If the addressee meets the conditions or takes the action specified in the a.p., he will be sure that in the future the given legal relationship will be settled his/her way. As a rule, the issuance of the a.p. is preceded by an → administrative decision enabling the realization of the final intention of the addressee. A type

of the a.p. is a promise (Polish *promesa*) – usually available in the regulations of economic law. Through the promise, the granting of the license for conducting business activity is subjected to meeting conditions of performing such activity. The issuance of an entry visa for repatriation to a person who does not have a residence and maintenance resources in Poland but meets other requirements of the Repatriation Act, is also an a.p. [E. Sękowska-Grodzicka]

Literature: J. Zimmermann, *Prawo administracyjne* [Administrative law], Warszawa 2012.

ADMINISTRATIVE SETTLEMENT – a way of handling an administrative matter; the Polish law distinguishes two types: s. between the administration body and the party to the proceedings and s. between the parties to the proceedings before the administration body. In the latter case, the administration body plays the role of both the entity before whom the s. is made, as well as the body authorizing the s. Once approved by the administration body, the s. has the same effect as the → administrative decision in a particular case. In the Polish administrative law the s. is made between the parties to the proceedings before the administration body, but it is not a very common solution. Since 2017, mediation has been introduced in the c.a.p. as a new instrument to settle a case amicably. The s. can only be made during the → administrative proceedings in the pending case, both before the body of the first instance and in the appeal proceedings. The subject of the s. must concern the legal interest or obligation of the parties to the proceedings and should allow the possibility of negotiation as to the outcome of the case. The administration body is responsible for the content and form of the s. The content of the settlement records the reciprocal rights and obligations of the parties. When approving the s. the administration body adjudicates the accepted resolution. The settling of a case through s. is recorded in the files of the case. The s. becomes executable when it becomes final. If during the pending proceedings the parties fail to reach an agreement and thus do not settle the case, the matter will be resolved by the administrative body through an administrative decision. If the s. is made in the appeals proceedings, the decision of the body of the first instance is repealed as of the date when the decision issued by the appeal body becomes final. (→ principle of amicable settling of disputes) [E. Sękowska-Grodzicka]

Literature: J. Harczuk, *Ugoda w postępowaniu administracyjnym* [Settlement in administrative proceedings], "Monitor Prawniczy" 2001, no. 16 ■ K. Celińska-Grzegorczyk, R. Hauser, W. Sawczyn, A. Skoczylas, *Postępowanie administracyjne, sądowoadministracyjne i egzekucyjne* [Administrative and court-administrative proceedings], Warszawa 2011.

ADVISER TO THE VILLAGE MAYOR/MAYOR/PRESIDENT OF THE CITY, STAROST, VOIVODSHIP MARSHAL – until September 2017, a position in local-government units, introduced by the Act of 2008 on local-government employees as a separate category (advisers and → assistants), only in municipality

offices, county starost offices and marshal offices (currently liquidated). It was a position with special authority – although the Act did not specify the scope of duties that may be entrusted to an a. It was recognised that the basic task is the substantive, and above all organisational support of the village mayor/mayor/president of the city, starost or voivodship marshal. In relation to the group of employed assistants and advisers, the informal term "political cabinet" was used. They were employed for the duration of the term of office of the village mayor/mayor/president of the city, starost or voivodship marshal, respectively. The number of employees in this capacity was limited – there was a total limit for both types of posts in a given office. A. were employed under a contract of employment. Principles other employees of local government were obliged to observe, like preparation service, taking an oath, obtaining a periodic assessment or prohibition of performing activities that are in conflict with the position held, did not apply to the position of an a. [P. Antkowiak]

Literature: B. Dolnicki, *Samorząd terytorialny* [Local government], Warszawa 2016.

AGRICULTURAL CHAMBER – one of the forms of → economic self-government, i.e. a union organised on the basis of representation of common, collective and personal interests of persons belonging to a specific economic state. A.ch. operate on the basis of the Act on agricultural chambers. From among all forms of economic self-government, the agricultural self-government is by far the best organised institution in formal and legal terms. A.ch. work to solve agricultural problems and represent the interests of the entities associated in it. Under the Act, members of the a.ch. are all natural and legal persons who are payers of agricultural or income tax from special departments of agricultural production. There are 16 agricultural chambers in Poland. The presidents of chambers and delegates elected by general meetings (one from each chamber) form the general meeting of the National Council of Agricultural Chambers. [P. Antkowiak]

Literature: R. Kmieciak, P. Antkowiak, K. Walkowiak, *Samorząd gospodarczy i zawodowy w systemie politycznym Polski* [Economic and professional self-government in the political system of Poland], Warszawa 2012.

APPEAL FROM THE ADMINISTRATIVE DECISION – an instrument a party is entitled to of suing a decision issued in the first instance by a → public administration body, as well as another body or entity that, by law or on the basis of an agreement, decides individual cases by issuing an → administrative decision. It belongs to autonomous, absolutely suspensive and relatively devolutive measures. Administrative decisions are the basic way of resolving administrative matters, and a.f.a.d. is the most common means of appeal. The → administrative proceedings is of two instances, so the party is entitled to appeal from the decision issued in the first instance to another instance, but only from a non-final decision. A.f.a.d. is used to start the decision verification mode in the course

of the instance. The essence of the verification of the decision is another substantive consideration and resolution of the administrative case. The appeal procedure can be initiated only as a result of appeal by the party, there is no possibility to initiate proceedings ex officio. The right to a.f.a.d. belongs not only the party who participated in the proceedings finalized with the decision, but also to the person who did not participate in the proceedings, but is a party within the meaning of c.a.p. The law sets a deadline for appeals, counting from the date of delivery of the decision to the party, and when the decision was announced orally – from the day it was announced. A.f.a.d. are submitted to the competent appeal body through the body which issued the decision; no detailed justification is required, it is sufficient if the appeal shows that the party is not satisfied with the decision issued. A.f.a.d. should meet the general requirements of the application provided for in the c.a.p. One can submit them in the following forms: written, telegram, teletype, fax or e-mail, as well as verbally for the record. [B. Springer]

Literature: B. Adamiak, J. Borkowski, *Polskie postępowanie administracyjne i sądowo-administracyjne* [Polish administrative and court-administrative proceedings], Warszawa 2003.

APPOINTMENT – one of non-contractual ways of establishing an employment relationship – alongside → nomination and selection. The employment relationship on the basis of a. is established for an indefinite period, and if, on the basis of special provisions, the employee was appointed for a fixed term, the employment relationship is established for the period set in the a. The employment under a. may be preceded by a → competition even in situations when the specific provisions do not provide for the requirement to select a candidate for the post only as a result of the competition. According to the labour code, the employment on the basis of a. is established in the cases specified in separate regulations, within the time limit specified in the a., and if the time limit has not been decided – on the day of service, unless special provisions state otherwise. As a general rule, the employment on the basis of a. is governed by the provisions on the employment contract for an indefinite period of time, with the exception of the provisions governing: the procedure for terminating employment contracts; dealing with disputes from the employment relationship in the part concerning adjudicating the ineffectiveness of dismissal, restoring to work. The employment relationship established on the basis of the a. refers primarily to persons in managerial positions (e.g., senior civil servants are appointed from 2016), and because of its characteristics the most unstable form of employment, since the appointee can be dismissed by the appointing authority at any time. This rule also applies to employees who, on the basis of special provisions, were appointed for temporary positions. The dismissal must be made in writing and delivered to the employee as a document confirming the activities under the employment relationship. The dismissal is equivalent to termination

of the employment contract. During the notice period, the employee is entitled to remuneration in the amount due before the dismissal. The dismissal is equivalent to termination of the employment contract without notice if it occurred for reasons referred to in the labour code. [K. Mroczka]

Literature: M. Świątkowski, *Kodeks Pracy. Komentarz* [The Labour Code. A commentary], Warszawa 2010.

ASSISTANT TO THE VILLAGE MAYOR/MAYOR/PRESIDENT OF THE CITY, STAROST, VOIVODSHIP MARSHAL – until September 2017, a position in local-government units, introduced by the Act of 2008 on local-government employees as a separate category (assistants and → advisers), only in municipality offices, county starost offices and marshal offices (currently liquidated). It was a position with special authority – although the Act did not specify the scope of duties that may be entrusted to an a. It was recognised that his/her basic task is the substantive, and above all organisational support of the village mayor/mayor/president of the city, starost or voivodship marshal. In relation to the group of employed assistants and advisers, the informal term "political cabinet" was used. They were employed for the duration of the term of office of the village mayor/mayor/president of the city, starost or voivodship marshal, respectively. The number of employees of this character was limited – there was a total limit for both types of posts in a given office. A. were employed under a contract of employment. Principles other employees of local government were obliged to observe, like preparation service, taking an oath, obtaining a periodic assessment or prohibition of performing activities that are in conflict with the position held, did not apply to the position of an a. [P. Antkowiak]

Literature: B. Dolnicki, *Samorząd terytorialny* [Local government], Warszawa 2016.

ASSOCIATION – it is a legal form of organisation of society, implementation of the constitutional right of the citizens to associate, appointed to achieve the legally allowed objectives and social needs. A. is a voluntary, self-governing, permanent association with non-profit goals. The voluntary nature of a. manifests itself in the freedom to create, access and withdraw, self-governance emphasizes self-reliance and independence of action from other entities, permanence indicates the possibility of functioning of the association regardless of the number of members (subject to meeting the requirements of the law), and sanctioned by the type of a.: → simple association – a minimum of three members, → register association – a minimum of seven members. The non-profit character of the a. is emphasized by undertaking the activities with the aim of realizing needs rather than achieving profit. A. may, but doesn't have to, undertake socially useful activities. It can only act for the benefit of its members. The most important decisions are made by all the members of the a. during the general meeting of the members, the board represents the a. outside and performs the tasks entrusted

to it, and the audit is carried out by the audit committee. (→ non-governmental organisation) [A. Bejma]

Literature: E. Hadrowicz, *Prawo o stowarzyszeniach. Komentarz* [Law on associations. A commentary], Warszawa 2016.

ASSOCIATIONS OF MUNICIPALITIES – they are created by municipal local-government units (but they can also include counties and voivodships) to support the idea of local self-government and to defend common interests. The rules, organisation and working procedures are regulated by the statute. Local-government units interested in creating a.mun. work out the principles of future functioning. The procedure for creating a.mun. is initiated by the general meeting resolution regarding the creation of a.mun. (or joining an existing one). The executive body of the municipality is responsible for the implementation of the resolution. A.mun. are entered in the National Court Register – in the part regarding associations, other social and professional organisations, foundations and public healthcare institutions. The basic goals of a.mun. are: joint performance of public tasks consisting in dissemination of the idea of local government, commenting on proposed regulations concerning this level of local government, implementation of other public activities, conducting information and education activities for municipalities-members of the association, identifying common interests and exchange of information. The rights the municipalities are entitled to can be implemented, among others through participation: in the work of the Sejm committees or the → Joint Commission of the Government and Local Government. A.mun. can obtain the status of a public benefit organisation, which allows them to undertake broad cooperation with public administration bodies. A.mun. as a → non-governmental organisation can be a part of a → public-private partnership. [A. Bejma]

Literature: E. Hadrowicz, *Prawo o stowarzyszeniach. Komentarz* [Law on associations. A commentary], Warszawa 2016.

ASYLUM POLICY – organized activity of state bodies (central and local government), as well as non-governmental organizations, including arrivals and stays of persons seeking international protection outside their country of origin. A.p. is implemented on the basis of the Geneva Convention of 1951 regarding refugee status and the New York Protocol of 1967 (Poland has been a party to them since 1991), as well as on the basis of national provisions determining the rules of arrival and stay of foreigners seeking protection on the territory of a given country. A.p. is part of the → immigration policy. It is the result of territorial changes (e.g. change of borders), and other causes, such as: political and religious (evacuation before persecution), ecological (devastation of the natural environment as a result of exploitation or ecological disaster), health (seeking treatment opportunities abroad), educational (limited educational opportunities) or economic (no sources of income, discrimination at work). The goals of

a.p. arise from a consistent understanding of the human right to protect one's identity, regardless of origin and citizenship. They focus on: 1. enabling the protection of one's identity; 2. obtaining the desired population structure in a given administrative unit. Today in the European Union a.p. is implemented by particular countries while maintaining EU-level coordination (Justice and Home Affairs Council). A.p. implemented by local governments includes activities within the competences of the authorities of individual local government units (mainly municipalities) aimed at encouraging asylum seekers to settle and stay in their area. It includes active support in seeking employment, enabling education at various levels, ensuring security, housing policy, satisfying material needs and health protection. A.p. implemented by non-governmental organizations mainly consists of activities directed at the host society and asylum seekers. Information campaigns on asylum seekers are addressed to the host society, while actions are being carried out towards asylum seekers to support adaptation and integration processes in the host country. In Poland and other EU Member States a.p. is the subject of axiological dispute. There is a clear difference in a.p. implemented in the western and eastern parts of the EU. The effect of the a.p. in the western part of the EU (e.g. Germany, France, Great Britain) has been a mass influx of non-European populations. In the eastern part of the EU a.p. is the result of international obligations of individual countries, worse economic situation and caution with respect to changes in the ethnic structure. [P. Hut]

Literature: P. Hut, *Doświadczenia życiowe przed przybyciem do Polski osób ubiegających się o status uchodźcy* [Life experiences before the arrival of refugee applicants to Poland], Warsaw 2007 ■ P. Hut, *Migracja i pojęcia pokrewne* [in:] *W kręgu pojęć i zagadnień współczesnej polityki społecznej* [Migration and related concepts [in:] Concepts and issues of contemporary social policy], edited by B. Rysz-Kowalczyk, B. Szatur-Jaworska, Warsaw 2016 ■ M. Ząbek, S. Łodziński, *Uchodźcy w Polsce. Próba spojrzenia antropologicznego* [Refugees in Poland. An attempt at anthropological view], Warsaw 2008.

AUDIT COMMISSION OF LOCAL GOVERNMENT DECISION-MAKING AND CONTROL BODIES – a body obligatorily appointed by the municipality/county council and voivodship sejmik in order to exercise their competences as control bodies for the activities of: the village mayor/mayor/president of the city, county/voivodship board, organisational units of a given local-government unit, municipality's auxiliary units. It is the only one of the → commissions of local decision-making and control bodies, which is created obligatorily. The a.c. consists of councillors (representatives of all clubs), with the exception of councillors who perform the functions of the chairman or vice-chairman of the council/sejmik. A.c. gives opinions on the implementation of the budget and makes a request to the council/sejmik on granting or refusing the → vote of acceptance to the executive body; the application in this matter is subject to an opinion by the → regional audit chamber. A.c. may also perform other tasks ordered by the council/sejmik in the scope of control – in such a way that

these tasks do not violate the rights of other committees and the council/sejmik itself. [P. Antkowiak]

Literature: P. Antkowiak, *Teoria i praktyka przywództwa politycznego na przykładzie bezpośrednich wyborów wójta, burmistrza i prezydenta miasta* [Theory and practice of political leadership on the example of direct elections of village mayor, mayor and the president of the city], Poznań 2016.

AUDIT/AUDITING (from Latin: *auditor*, i.e. listener) – independent, objective and advisory activity aimed at increasing the operational capacity of a given organisation. A. is carried out according to precisely defined patterns, recommendations and standards. A. aims to support the organisation in achieving its goals through a systematic and disciplined approach to assessing and improving the effectiveness of risk management, control and governance. The term was directly related to the so-called audition of bills in the period of ancient Rome, when the officials "interrogated" each other, comparing by reading the content of documents produced by each of them. This action was to prevent mistakes and wasting public money. A. are conducted by auditors – experts independent of decision-making factors and from process owners, both internal and external, who must meet a number of formal and substantive criteria. In modern times, it is aimed at improving the organisation, not simply indicating irregularities. Its purpose is to support the organisation management system in an active and not passive way. [K. Mroczka]

Literature: G. Gołębiowski, K. Marchewka-Bartkowiak, *Audyt i kontrola zarządzania długiem publicznym* [Audit and control of public debt management], "Materiały i Studia NBP" 2004, no. 181 ■ A. Mazurek, M. Piołunowicz, *Audyt wewnętrzny w sektorze publicznym w Polsce. Diagnoza i propozycje zmian* [Internal audit in the public sector in Poland. Diagnosis and suggestions for changes], Warszawa 2008 ■ K. Winiarska, *Audyt wewnętrzny. Teoria i zastosowanie* [Internal audit. Theory and application], Warszawa 2017.

AUTONOMY (Greek *autonomía* – self-government, right to self) – the right to independently decide about one's own matters, about matters of a particular community (nation, institution, city, region, etc.), self-determination. It means the broadest self-governing rights (including one's own legislation) of a given territory within the borders of a country. Autonomy is a right to independently settle the internal matters of a given community. Types of autonomy include: legal; law; political; regional; cultural; economic; autonomic region. Political autonomy is a recognition of the competences of a given community while excluding state jurisdiction in so far as the so-called reserved spheres, for example: cultural, economic, infrastructure, which are delegated to be resolved independently by the authorities of the community/region. According to Arend Lijphart's concept, it is an important characteristic of complex societies that fits into the system of consensual democracy. In these systems some matters are decided exclusively by minority, by excluding the matters from the jurisdiction of the central authority

(majority). Regional autonomy is a variety of political autonomy where the state accepts the independence in some spheres of the community living in a particular region; it occurs where favourable conditions present themselves: historic, language, ethnic, geographic, economic. Autonomic region is a unit of territorial organisation of a country that constitutes an area quite uniform economically, socially and culturally. Its separateness and independence is constitutionally guaranteed and its goal is to realize the content of the system by measures defined by public law, in the interest of its own territory. In order to achieve this goal, it receives the powers of law-making and administration, which are used exclusively. [M. Kaczorowska]

Literature: W. Misiuda-Rewera, *Włochy. Republika autonomii* [Italy. The republic of autonomy], Lublin 2005 ■ L. Paterson, *The autonomy of modern Scotland*, Edinburgh 1994 ■ T. Skrzypczak, "*Państwo regionalne" – wybrane problemy autonomii terytorialnej we Włoszech i Hiszpanii* ["Regional State" – selected problems of territorial autonomy in Italy and Spain], "Zeszyty Naukowe Uniwersytetu Jagiellońskiego. Prace z Nauk Politycznych" 1984, issue 21.

B

BENEFITS REGISTER – includes disclosed benefits obtained by public officials, is a legal institution introduced into the Polish legal system under the act on limiting the conduct of business by persons performing public functions. B.r. contains entries on the benefits based on the declarations made by these officers, including: members of parliament (deputies) and senators, members of the government, secretaries and undersecretaries of state in the ministries and the Chancellery of the President of the Council of Ministers, heads of central offices, voivodes, vice-voivodes, members of voivodship boards, voivodship secretaries, voivodship treasurers, members of county boards, county secretaries, county treasurers, village mayors/mayors/presidents of cities, deputy village mayors, municipality secretaries, municipality treasurers, members of the metropolitan union, metropolitan union secretaries and treasurers of the metropolitan union. Information that should be submitted to the b.r. includes: all positions and activities performed in both public administration and private institutions for which remuneration is paid, and self-employed work; facts of material support for public activities carried out by the applicant; a donation received from domestic or foreign entities if its value exceeds 50% of the lowest wage paid to employees for their work; domestic or foreign trips unrelated to a public function if their expense has not been covered by the applicant or his/her spouse or their employing institutions or political parties, associations or foundations of which they are members; other obtained benefits, not related to the occupation of posts or the performance of activities or work. B.r. also includes information on participation in foundation bodies, commercial law companies or cooperatives, even if there are no cash benefits. Person submitting/filling information for b.r. is obliged to exercise due diligence and to be guided by his/her best knowledge. All changes of data covered by the b.r. must be submitted no later than within 30 days of their occurrence. B.r. is open, it is run by the National Electoral Commission. The Anti-Corruption Act does not provide for any sanctions if the required information is not reported to the registry. There is no exemplary application form, registered by law, for the b.r. submission, however, an exemplary model was developed and placed on the National Electoral Commission's website at www.pkw.gov.pl. [K. Mroczka]

Literature: A. Wierzbica, *Analiza obowiązujących przepisów antykorupcyjnych z wykazaniem ich mankamentów prawnych* [Analysis of current anti-corruption laws with the indication of their legal shortcomings], 2009, [online] www.antykorupcja.gov.pl [access: September 2017].

BUDGETARY SURPLUS – a positive difference between income and budgetary expenses. The negative difference between income and budgetary expenses is the **BUDGET DEFICIT**. The size of the b.s. (b.d.) is determined annually in the budget act (in the case of the state budget) or in the budget resolution (in the case of the budget of local-government units). The Public Finance Act defines the surplus/deficit of: 1. public finance sector – a positive difference between public incomes and public expenses, determined for the settlement period; 2. the state budget – a positive difference between incomes and expenses of the state budget; 3. the budget of European funds – a positive difference between income and expenses of the European funds budget; 4. budget of the local-government unit – a positive difference between incomes and expenses of the budget of the local-government unit. In the case of the budget of local-government units, the operating (current) surplus can be additionally defined as a positive difference between current incomes and current expenses. Pursuant to the Public Finance Act, the decision-making body of a local-government unit cannot adopt a budget in which the planned current expenses are higher than the planned current income increased by the b.s. from the previous years and free funds as cash surpluses on the current account of the budget of a local-government unit, resulting from settlements of issued securities, credits and loans from previous years. As a rule, local-government units should therefore show an operating surplus. B.s. from previous years may be used to finance loan needs or budget expenses. [T. Strąk]

Literature: T. Lubińska, *Budżet a finanse publiczne* [Budget and public finances], Warszawa 2010 ■ S. Owsiak, *Finanse publiczne. Współczesne ujęcie* [Public finances. Contemporary perspective], Warszawa 2017 ■ T. Uryszek, *Dług skarbu państwa jako źródło finansowania deficytu budżetowego* [The debt of the State Treasury as a source of financing the budget deficit], Warszawa 2010.

BUDGETARY UNIT – typical, traditional organisational form of the public finance sector. B.u. are appointed by means of laws or internal acts of entities forming these units. In both cases, the basis for their functioning is the statute. Creation, and also merger and liquidation of b.u. at the central level, is the responsibility of ministers, heads of central offices, voivodes and other bodies acting on the basis of separate laws (in the case of state b.u.). However, in the local government sub-sector, b.u. are created, merged and liquidated by decision-making bodies of local-government units (municipalities, counties, voivodships). B.u. do not have legal personality, they act on behalf of and for the benefit of the State Treasury or relevant local-government units. In the form of b.u. all offices (e.g., ministries, central offices, municipal offices, county starost offices, marshal offices, labour offices) are functioning, as well as many other organisational units, such as schools, social welfare centres, orphanages, penitentiaries, regional audit chambers. B.u. conduct financial management on the basis of financial plans (income and expenses plans), performing – as a rule

– their activity free of charge. They are settled with the appropriate budget using the gross method. This means that all expenses of the b.u. are covered by the state budget or budgets of relevant local-government units, and any income obtained by b.u. is discharged to the proper budget. As a result, b.u. implement the principle of completeness of public finances, according to which all incomes and expenses of the state and local-government units should be included in the budget. On the other hand, the obligation to return the saved funds to the budget makes this form of organisation not economically efficient. The legal form of managing the property by b.u. is the so-called permanent management. As part of the permanent management, the b.u. are entitled to use real estate in order to carry out the tasks assigned to them, use real estate for construction purposes, as well as use the properties for letting, leasing and lending. Permanent management is established by making an administrative decision, for a definite or indefinite period. [R. Cieślak]

Literature: *Finanse publiczne i prawo finansowe* [Public finances and financial law], ed. C. Kosikowski, E. Ruśkowski, Warszawa 2003 ■ Z. Ofiarski, *Prawo finansowe* [Financial law], Warszawa 2010 ■ *Ustawa o finansach publicznych. Ustawa o odpowiedzialności za naruszenie dyscypliny finansów publicznych. Komentarz* [The Public Finance Act. Act on liability for violation of public finance discipline. A commentary], ed. W. Misiąg, Warszawa 2017.

BUDGET'S EXPENDITURES OF LOCAL-GOVERNMENT UNITS – expenses of public funds of local-government units intended for repayment of received loans and credits, redemption of securities, loans granted and other financial operations related to public debt and liquidity management. The sources of b.e. are mainly budget revenues. The economic criterion for distinguishing the e. is the source of their financing (i.e. revenues, not income) and in the case of granted repayable loans, their character. B.e. are closely related to the category of debt of local-government units, they are intended primarily for the repayment of debt and other financial operations related to debt management. The sum of budget expenses and expenditures constitutes the public expenses. The permissible amount of b.e. of the local-government units and their plan are included in the budget resolution, which defines their impassable limit for the financial year. Local-government units plan b.e. also in the long-term perspective in the → Long-term Financial Forecast. (→ budget's revenue of local-government units) [T. Strąk]

Literature: S. Owsiak, *Finanse publiczne. Współczesne ujęcie* [Public finances. Contemporary perspective], Warszawa 2017 ■ *System prawa finansowego* [The system of public finances], vol. II, *Prawo finansowe sektora finansów publicznych* [Financial law of the public finance sector], ed. E. Ruśkowski, Warszawa 2010.

BUDGET'S REVENUE OF LOCAL-GOVERNMENT UNITS – public funds included in the budget of a local-government unit from the sale of securities, from the privatization of property of local-government units, from repayment

of loans and credits granted from public funds, from received loans and credits and from other financial operations. In addition to budget incomes, they are the main source of public funds of local-government units and budget earnings. The basic economic criterion of distinguishing b.r. is their refundable character. This criterion is met by all categories of revenues listed in the Public Finance Act, with the exception of revenues from the privatization of assets of local-government units. The justification for the inclusion in the b.r., and not in the public income, of the earnings from privatization results from their extraordinary character. These earnings are not a consequence of ordinary, normal functioning of local-government units. Nevertheless, in this case, the classification of the proceeds from privatization to revenues does not result from their economic nature, which would indicate their qualification as income, not revenue, but it is a political decision. B.r. are therefore an "extraordinary" sources of public funds (earnings) of local-government units. B.r. are intended for financing the borrowing needs of the budget of local-government units, i.e. for financing the budget deficit or budget expenditures. In the budget jargon r. is included in the so-called bill under the line together with the budget expenditures (income and expenses in the bill above the line). The planned amount of b.r. of local-government units and their plan are included in the budget resolution. Local-government units plan the b.r. also in the long-term perspective in → Long-term Financial Forecast. (→ budget's expenditures of local-government units) [T. Strąk]

Literature: S. Owsiak, *Finanse publiczne. Współczesne ujęcie* [Public finances. Contemporary perspective], Warszawa 2017 ■ *System prawa finansowego* [The system of public finances], vol. II, *Prawo finansowe sektora finansów publicznych* [Financial law of the public finance sector], ed. E. Ruśkowski, Warszawa 2010.

C

CABINET COUNCIL – Polish constitutional body convened by the President of the Republic of Poland to discuss matters of particular importance to the state. C.c. consists of members of the council of ministers sitting under the leadership of the President of the Republic of Poland, however, it has no competence and there is no possibility of making binding decisions. C.c. has rather supportive nature and initiating the government's work by the president. During the small constitution of the Republic of Poland (1992–1997), the president had a special right to chair the meetings of the council of ministers on particularly important matters. Although the positions presented during c.c. and the arrangements made thereon are not legally binding, they have significant political value and may later have political consequences. In this way, the President of the Republic of Poland may initiate government actions and point out important problems in certain areas. It can also agree on a common strategy with the council of ministers. [E. Zielińska]

Literature: B. Opaliński, *Rozdzielenie kompetencji władzy wykonawczej między Prezydenta RP oraz Radę Ministrów na tle Konstytucji Rzeczpospolitej Polskiej z 1997 roku* [Separation of executive powers between the President of the Republic of Poland and the Council of Ministers against the background of the Constitution of the Republic of Poland of 1997], Warszawa 2012.

CAF (*Common Assessment Framework*) – a model of comprehensive quality management of public organisations developed by the European Foundation for Quality Management (EFQM), the European Institute of Public Administration and higher education institutions with an administrative profile. It is currently the most popular self-assessment model for public organisations in the EU. CAF is based on the assumption that achieving the desired results from activities of the organisation, citizens/consumers, employees and the society depends on the quality of leadership affecting the policy and strategy of employees, interpersonal relationships, resources and processes. According to the CAF, the organisation is subject to simultaneous reviewing from different points of view as part of a comprehensive process of analysing its potential and results of operations. The CAF model includes nine criteria: 1. leadership, 2. strategy and planning, 3. employees, 4. partnership and resources, 5. processes, 6. results in relations with clients/citizens, 7. results in relations with employees, 8. results of social responsibility, 9. key results. The criteria from the first to the fifth regarding the organisation's potential determine what the organisation deals with and how it approaches results. The sixth to ninth criteria concern the achieved results. For each of the listed criteria there is a list of sub-criteria assigned allowing for

a detailed diagnosis of the organisation's management system and identification of areas for improvement. [T. Strąk]

Literature: T. Buchacz, S. Wysocki, *Zarządzanie jakością w administracji – europejskie wzorce, polskie doświadczenia* [Quality management in administration – European models, Polish experience], [in:] *Administracja publiczna. Wyzwania w dobie integracji europejskiej* [Public administration. Challenges in the era of European integration], ed. J. Czaputowicz, Warszawa 2008 ■ M. Bugdol, *Zarządzanie jakością w urzędach administracji publicznej. Teoria i praktyka* [Quality management in public administration offices. Theory and practice], Warszawa 2011 ■ *Wspólna Metoda Oceny. Doskonalenie organizacji poprzez samoocenę* [Common Assessment Framework. Improving the organisation through self-evaluation], KPRM, Warszawa 2013.

CAREER MODEL OF CIVIL SERVICE – the basic criterion for admission to the → civil service is the examination of the candidate's general ability to work in the public administration, rather than for a specific position. Exams – difficult and demanding – take place at least twice: on entry into service and after preparatory service. The model assumes a gradual bureaucratic career – from the entry positions to the highest in the service hierarchy. Only seniority in public administration matters for promotions. This model is characterized by a strong hierarchy – one cannot be promoted, bypass any level of careers, or start working on intermediate or managerial positions. The status of an official is governed by public law, which means that the official is employed by the state and not by the particular office. In this model, the education requirements for getting a job are strictly defined by law. The work process is more command-oriented than goal-oriented. A separate salary and pension systems for civil servants is defined in a statute by authorities who are not obliged to work out agreements with trade unions in these matters. There is a strong emphasis on conscientiousness, honesty and respect for the law by civil servants. This model emphasizes the importance of special disciplinary rules. Critics call it the "Mandarin" model or the "closed fortress" model, pointing out many disadvantages: hierarchy, low motivation of employees to generate new ideas and achieve maximum productivity and quality, ritualism, rigidity of behaviour, lack of flexibility, inability of officials to deal with extraordinary situations or non-standard tasks, routine engagement in work, aging of management, employees' resistance to reform and change. The benefits of the system include stability of employment, sustainability, and the effect of functioning of the system in a form of limiting political influence on the administration by failing to fill the public administration with "our" people, eliminating the distribution of positions, arbitrary promotions and excessive pressure on politicians. The advantage is "institutional memory", that is, memory about the functioning of the office, its procedures, precedents, possibilities and ways of handling matters, which contributes to the fact that the administration under the established procedures functions more smoothly and without unnecessary delay and also reduces the costs resulting from fluctuation of the staff. This model is characterized by loyalty to the office and a professional ethos, which leads

to greater identification of the tasks performed with public interest. Austria, Belgium, France, Greece, Spain, Northern Ireland, Luxembourg, Germany, Portugal, Slovenia, Romania, Cyprus, Slovakia, Bulgaria and Turkey have adopted the career model, having preserved the national specificity. [J. Itrich-Drabarek]

Literature: J. Itrich-Drabarek, *Uwarunkowania, standardy i kierunki zmian służby cywilnej w Polsce na tle europejskim* [Conditions, standards and directions of changes in the civil service in Poland against the European background], Warszawa 2010 ■ J. Itrich-Drabarek, *The Civil Service in Poland – Theory and Experience*, Frankfurt am Main 2015.

CENTRAL ADMINISTRATION – term adopted in Polish legal terminology and colloquial language (not in juridical terminology, which figures in legislation) meaning state administration in the subjective and objective approach (→ public administration) covering the whole territory of the Republic of Poland. The code of administrative procedure adopted the collective term "ministers" for the c.a. bodies. This is a different understanding than in some other languages, especially English and French, where c.a. is a synonym for public administration or government administration, and therefore also includes government field administration. Traditionally c.a. distinguishes supreme bodies (Council of Ministers, the President of the Council of Ministers, Ministers leading specific government administration departments, Chairman of the committees within the Council of Ministers; and also President of the Republic of Poland – but only during discussions regarding the status of this authority) and other central authorities, generally referred to as "central offices", that essentially belong to the government administration (except for the Chief Labour Inspector and Inspector General for the Protection Of Personal Data, subject to the Sejm). Since 1992 there is no constitutional basis for the division between supreme bodies and other central bodies, and it is not reflected in legislation, besides the category of central bodies and government administration offices – this category is very varied and encompasses such different organizational units as the Office of Electronic Communications, Central Statistical Office, Directorate of National Roads and Motorways and General Police Headquarters of Poland or Central Anticorruption Bureau. (→ state administration; government administration) [H. Izdebski]

Literature: *Prawo administracyjne. Pojęcia*, *instytucje, zasady w teorii i w orzecznictwie*, ed. M. Stahl, Warszawa 2016.

CERTIFICATE – an official document confirming a certain factual or legal situation, issued by the appropriate public administration body. The principle of presumption that content certified by the proper administration body on the c. is true is in force since the content of the c. refers to what has already been confirmed or granted (the right, the obligation) in a decision (constitutive or declaratory) or in another individual legal act. In such a sense, the c. can change a person's actual situation without increasing or limiting the scope of their rights

and obligations. A c. may also be issued by an administration body in the form of an electronic document bearing a secure electronic signature. In the Polish regulations of the administrative proceedings, issuing of a c. is subject to the submission of an application by the entity concerned and the disclosure of the legal interest or legal basis thereof. The content of a c. is restricted due to access to data held by the body (e.g., records, registers). The laws define the time limit for issuing a c. The date of initiation of the procedure for issuing a c. is deemed to be the date of service of the request to the competent body. The proceedings should be finalized immediately, i.e. at the first time possible to resolve the matter, no later than seven days after its initiation. The refusal to issue a c. by the body of the first instance is made in the form of a decision. This decision is subject to appeal to the higher level administration body. In the event of upholding the decision by the higher body, the party is entitled to file a complaint to the administrative court. [E. Sękowska-Grodzicka]

Literature: K. Chorąży, Z. Kmiecik, *Wydawanie zaświadczeń – kwestie nierozstrzygnięte w literaturze* [Issuing certificates – issues not resolved in the literature], "Samorząd Terytorialny" 2000, no. 6 ■ *Kodeks postępowania administracyjnego. Komentarz dla praktyków* [Code of Administrative Procedure. A commentary for practitioners], ed. L. Klat-Wertelecka, A. Mudrecki, Gdańsk 2012.

CHAMBER OF CRAFTS – one of the forms of → economic self-government, i.e. a union organised on the basis of representation of common, collective and personal interests of persons belonging to a specific economic state. C.c. operate on the basis of the Crafts Act, which specifies the basic tasks of the chamber towards associated organisations, government and local-government administration offices, other institutions and individual craftsmen. One of the most important tasks of craft organisations is teaching the profession. However, the Act states that craft self-government organisations are created on the initiative of members on the basis of voluntary affiliation. This means that membership in c.c. is optional. The Polish craft organisation is the Polish Craft Association, which since 2001 has the status of an organisation that represents this milieu of economic self-government. Together with regional, local and industry crafts organisations – 27 chambers of crafts, 477 crafts guilds and 180 cooperatives – it creates the largest and oldest structure of economic self-government in Poland. [P. Antkowiak]

Literature: R. Kmieciak, P. Antkowiak, K. Walkowiak, *Samorząd gospodarczy i zawodowy w systemie politycznym Polski* [Economic and professional self-government in the political system of Poland], Warszawa 2012.

CHAMBER OF INDUSTRY AND COMMERCE – one of the forms of → economic self-government, i.e. a union organised on the basis of representation of common, collective and personal interests of persons belonging to a specific economic state. Ch.i.c. developed especially during the period of the Second

Republic of Poland. Nowadays, their functioning is regulated by the Act on economic chambers, but the assumptions adopted therein are inconsistent with the tradition of economic self-government. The Act sets out that the chamber of commerce is a voluntary self-government organisation whose task should be to represent the economic interests of the entities associated in it in the scope of their manufacturing, commercial, construction or service activities in relation to the state authorities. Ch.i.c. that function today are therefore of an associative character and have no real authoritative powers. In their current form, therefore, they cannot be included in the public authorities' system in Poland. [P. Antkowiak]

Literature: R. Kmieciak, P. Antkowiak, K. Walkowiak, *Samorząd gospodarczy i zawodowy w systemie politycznym Polski* [Economic and professional self-government in the political system of Poland], Warszawa 2012.

CHAMBER OF LABOUR – (ch.l.) – a form of economic self-government not implemented in the interwar period, provided for in the constitutions of 1921 (art. 68) and 1935 (art. 76). The initiator and originator of ch.l. Mieczysław Niedziałkowski (PPS) was inspired by Austrian solutions. In the interwar period, numerous bills related to ch.l. were created, both governmental and from social factors, however, the act could not be passed. Lack of ch.l. was an obstacle in establishing the → Supreme Chamber of Commerce. [A. Szustek]

Literature: A. Szustek, *Self-government – economic self-government – other types of self-government. Conceptual grid, theoretical approach and methodological issues*, Warsaw 2017 ■ A. Szustek, *Supreme Chamber of Commerce*, Warsaw 2017.

CITIZEN'S CHARTER – it contains the basic principles of public service, which include: the need for the administration to define and publicize the standards of services that citizens may expect, and to publish information on the practice of applying these standards and the collection and sharing of information on the rules of functioning of the public administration. C.c. also resolves the following issues: 1. wherever possible, the public sector should provide the citizen with the opportunity to choose and, when setting service standards, the opinions of their users should be taken into account; 2. officials should show a courteous and helpful attitude to the clients; 3. a clear and easy to use complaint procedure and an objective system of handling complaints should be in force; 4. the most effective level of public services must be ensured within the resources available. In a political sense c.c. is an expression of change in the attitude of the government towards citizens – the understanding that they are both payers and recipients of services provided by the state. [J. Itrich-Drabarek]

Literature: J. Itrich-Drabarek, *Uwarunkowania, standardy i kierunki zmian służby cywilnej w Polsce na tle europejskim* [Conditions, standards and directions of changes in the civil service in Poland against the European background], Warszawa 2010.

CITY WITH COUNTY RIGHTS – a local-government unit, colloquially referred to as a township or urban county. The concept of the c.w.c.r. means: 1. a local self-government community which is a local-government entity, 2. a territory. C.w.c.r. were created in 1999 as a result of the introduction of a new → territorial division of the country. Cities of this special character include municipalities with the status of a city that perform public tasks that belong not only to municipalities but also to counties. The executive body in the c.w.c.r. is the president of the city, the decision-making and control body is the city council. The county rights are vested in cities which on 31st December 1998 had more than 100,000 residents and cities that have ceased to be seats of voivodes on that day – unless at the request of the relevant city council, the county rights have been abandoned. Cities that have been granted the status of c.w.c.r. when making the first administrative division of the country into counties are also entitled to the rights of the c.w.c.r. [E. Szulc-Wałecka]

Literature: B. Dolnicki, *Samorząd terytorialny* [Local government], Warszawa 2009.

CITY/MUNICIPALITY YOUTH COUNCIL – an optional local government body of a consultative nature, composed of young people who were elected by their peers in democratic elections. They represent as "councillors" the youth of a given local community, ensuring its participation in the process of deciding matters concerning it, expressing the opinion on the activities of local-government bodies in matters concerning youth, acting to increase interest of young people in public affairs, ensuring a better understanding of the needs of young people by local authorities and shape the skills to act for the good of the local community and the sense of responsibility for it. Y.c. are established by a resolution of a local-government unit that gives them a statute specifying detailed competences and rules of operation and a procedure for the election of councillors. [E. Szulc-Wałecka]

Literature: *Młodzieżowa Rada Gminy. Aktywność obywatelska młodzieży w społeczności lokalnej* [Municipality Youth Council. Civic activity of young people in the local community], Warszawa 2009 ■ *Partycypacja. Dyskutujemy, decydujemy, działamy* [Participation. We discuss, decide, act], ed. A. Jarzębska, Kraków 2014.

CIVIL SERVICE – a separate group of people employed under public or private law for the purpose of carrying out the tasks specified in the law, guided by a specific system of norms, values and procedures designed to serve the public and maintain the essential functions of the state. Inseparable element of the c.s. is the → public service mission that is based on such standards as: fidelity to the constitution, being apolitical/politically neutral, impartiality, loyalty to superiors, stability of employment, reliability and professionalism, equal opportunity, equality of access and competitiveness in recruitment to the service, management with the participation of the citizens themselves and in the interest of the citizens. These principles should give the answer to how the c.s. corps is intended

to serve the public to meet a variety of diverse social needs in a dynamically changing reality. The essence of c.s. is to make, within the public administration, a specific division of power between the changing political power and democratic elections and the permanent professional staff of officials. The division is specific because it assumes not only the interaction, but also the subordination (full regarding service, as well as partial personal) of people who are part of the professional c.s. The establishment of a professional c.s., independent of the political power elected in the democratic elections, is proper on the condition that the officials will also respect the principles of democracy and stand for its protection. By exercising their powers, they must act in accordance with government policies and realize that the ultimate authority belongs to those chosen by society. C.s. corps is not chosen through elections, so there is no democratic legitimacy. In democratic states, from the mid-19th century to the first decade of the 21st century, three basic models of c.s. were developed: → career model, called promotional or closed, → positional model, called position or managerial model, and → mixed model, called hybrid. [J. Itrich-Drabarek]

Literature: J. Itrich-Drabarek, *Uwarunkowania, standardy i kierunki zmian służby cywilnej w Polsce na tle europejskim* [Conditions, standards and directions of changes in the civil service in Poland against the European background], Warszawa 2010 ■ J. Itrich-Drabarek, *The Civil Service in Poland – Theory and Experience*, Frankfurt am Main 2015.

CIVIL SERVICE COUNCIL – an advisory and consultative body by the president of the council of ministers, appointed under that name at the time of establishment of the civil service corps and as the CSC operating in years 1996–2006 and 2008–2015, and in years 2006–2008 and from 2016 as the Public Service Board. Opinioning body in matters related to the civil service (c.s.) presented by the president of the council of ministers, the → head of the civil service or on his own initiative; concerning: the draft of human resources management strategy in the c.s.; the draft budgetary act in the section on the c.s. and the annual implementation of the state budget in this area and the proposed index of remuneration growth rate in the state budget sector in terms of c.s.; the plan of central trainings in the c.s.; ethics of the corps of the c.s.; the draft regulations specifying the work mode of the Higher Disciplinary Commission of the C.S.; the reports by the head of the c.s. In addition, the Council: assesses the course of recruitment procedure in the c.s.; can apply to the head of the c.s. with a request to take a position on matters specified by the Council in the application of the c.s. principles; can apply to the head of the c.s. with a request to take a position on a complaint addressed to the Council by a member of the c.s. corps, or in matters of comments and requests of representatives of trade unions and associations of officials operating within the public administration; it may refer its representative to observe the course of the recruitment procedure at the intermediate level of management in the c.s., and in the case of irregularities in the course of the recruitment procedure, it may turn to the head of the c.s. for ordering a new

recruitment procedure. The Council determines the directions of civil service modernization in terms of the changing tasks, needs and expectations of the president of the council of ministers, and in cooperation with the → National School of Public Administration it disseminates the best European standards, patterns and experience in the field of c.s. The Council members, from 2016, perform their functions socially. Previously, the members of the CSC were entitled to remuneration, which gave it the characteristic of a professional body. Currently, the Council has from seven to nine members, they are appointed by the president of the council of ministers from among people whose knowledge, experience and authority give a guarantee of proper implementation of the Council's tasks. Their term of office lasts four years. (Prior to that, the CSC consisted of fifteen members appointed according to two types of criteria: the term of eight members of the Council, persons whose knowledge, experience and authority guarantee the proper implementation of the Council's tasks lasted for six years, with the term of office expiring every three years for half the number of members. The term of office of seven members of the Council, representing all parliamentary clubs from among deputies, senators or non-parliamentarians, lasts accordingly to the parliamentary term.) The Council members perform their functions until the appointment of their successors. Membership in the Council expires in the event of the death of a member of the Council and if a member of the Council ceases to be a Polish citizen, does not enjoy full public rights, was sentenced by a final judgment for intentional crime or intentional fiscal offense and in the event of failure to perform the duties of a member of the Council for a period longer than 12 months if the cause is not a long-term illness, confirmed by a medical certificate. The president of the council of ministers dismisses a member of the Council also in the event of his resignation. In the event of termination of membership in the Council or dismissal of a member of the Council before the end of the term of office, the president of the council of ministers shall appoint a new member of the Council for the period up to the end of the current term. (→ civil service) [J. Itrich-Drabarek]

Literature: J. Itrich-Drabarek, *Służba cywilna w Polsce – teoria i praktyka* [The Civil Service in Poland – theory and practice], Warszawa 2012.

COAT OF ARMS – A sign determined according to specified rules. Combat, distinctive and proprietary sign. In the Western Europe the first coats of arms appeared in the second quarter of the 12th century. They were first assumed by knights, later by princes and kings. In Poland it was the opposite – the first c.o.a. appeared in the first quarter of the 13th century on the princes' seals, and they were later adopted by the knighthood. Historically, apart from the most numerous group of knighthood c.o.a. (of the nobility) there were also bourgeois c.o.a., c.o.a. of corporations, municipal c.o.a., peasantry c.o.a. The classification of coats of arms: they can be divided according to many criteria. According to the type of user they can be divided into: national emblem, c.o.a. of territorial units (cities,

municipalities, counties, villages, lands, etc.); ancestral c.o.a. (families or clans, most often noble but also bourgeois, peasant); c.o.a. of corporations (organisations, unions, corporations, monasteries and other legal entities). According to the legal status: c.o.a. of the land owned or governed; c.o.a. of lands to which the claimant makes a claims (e.g., c.o.a. of France in the old c.o.a. of England); c.o.a. of lands over which the holder exercises patronage (e.g., c.o.a. of provincial governors); c.o.a. of marriage – associating the c.o.a. of the owner with the c.o.a. of the spouse; complex c.o.a., showing genealogical relationships often associated with inheritance or the right to inheritance. According to the rank of the coat of arms: the great c.o.a. – especially ceremonial, showing all the inherent qualities; medium c.o.a. – shows some of the inherent qualities; small c.o.a. – represents only the necessary elements of the coat, often only the shield with or without a crown. In Poland, c.o.a. were introduced in the 13th century. Heralds appeared with the coats of arms, whose work gave rise to a new branch of knowledge that became heraldry. Heraldry is an auxiliary science of history dealing with the study of the origins and development of coats of arms, the related legal relationships and the rules of their artistic formation. The main components of the coat of arms are a shield and an emblem placed on it, often composed of several elements. The emblem is placed centrally. It must fill the shield area, but not reach its edge. According to the basic principle of heraldry, every c.o.a. must be sole, unique and different from others. **Urban coat of arms** – a distinctive sign of the urban local government community, constructed in the form of a territorial sign according to specific heraldic rules. Coats of arms of cities may also be coats of arms of municipalities and other territorial units. U.c.o.a. appeared in Poland at the end of the 14th century, and thus much later than the seal imagery of the city seals. The relationships between the two signs are evident – they were both shaped like a territorial sign, but most often it was the adopted c.o.a. of the superior lord, enriched with elements representing the defensive urban architecture. Equally often as the c.o.a. emblem, especially in the earlier period, the image of the patron saint was adopted, who was usually identical with the patron of the parish church. Like all other coats of arms, the u.c.o.a. were specific graphical means of conveying specific information, in this case regarding cities, and not only general information about the existence of specific cities, but also detailed information about the legal-ownership status, religion, geographical location or economy. The range of use of u.c.o.a. has expanded over the last two centuries. In the 19th century bridges, street lanterns and covers of catch pits have been decorated with u.c.o.a. The traditions of urban symbols growing from the preheraldic period marked by the strong influence of the hagiographic iconography, as well as the different genesis of u.c.o.a., the chancellery and not the military as in the case of the knight c.o.a. – brought and fixed the instability of the heraldic form of urban emblems. U.c.o.a. were and are important elements of propaganda and promotional activities of the city, creating its positive image. [J.G. Otto]

Literature: H. Seroka, *Herby miast małopolskich do końca XVIII wieku* [Coats of arms of the Małopolska cities until the end of the 18th century], Warszawa 2002 ■ J. Szymański, *Nauki pomocnicze historii* [Auxiliary sciences of history], Warszawa 2008 ■ W. Strzyżewski, *Treści symboliczne herbów miejskich na Śląsku, Ziemi Lubuskiej i Pomorzu Zachodnim do końca XVIII wieku* [Symbolic content of urban coats of arms in Silesia, Lubuskie and Western Pomerania until the end of the 18th century], Zielona Góra 1999 ■ A. Znamierowski, *Insygnia, symbole i herby polskie* [Insignia, symbols and Polish coats of arms], Warszawa 2003.

CODE OF ETHICS – a catalogue of standards of ethical behaviour in the form of a logically ordered set of ethical principles and norms, defining the procedures and behavior of employees in a given organisation. The catalogue can be enriched with indicated undesirable or prohibited behaviours in a particular organisation. In public administration, c.o.e. is a set of principles and values that set standards for the conduct of public officials in pursuit of public interest. The purpose of the c.o.e. is concretising, specifying ethic standards, matching the specifics of an organisation, and providing information about the organisation's ethical orientation to the environment. In public administration, c.o.e.'s task is to disseminate behaviour and ethical attitudes among officials, which affects the improvement of administration activities and increases trust among the public. Strengthening the ethical attitudes of public administration employees increases the transparency of public sector operation and increases the quality of work of public sector entities. [A. Komar]

Literature: J. Itrich-Drabarek, *Etyka zawodowa funkcjonariuszy służb państwowych* [Professional ethics of the state officials], Warszawa 2016 ■ T. Kowalski, *Kodeks etyczny a kształtowanie zasad etycznych w administracji* [The Code of Ethics and shaping of ethical principles in administration], "Studia Lubuskie" 2005, no. 1.

COHABITATION IN MUNICIPAL SELF-GOVERNMENT (French *cohabitation* – living together, existing together, Polish: koabitacja, kohabitacja) – co-exercising of authority by the executive and decision-making and control bodies of various policy options. The phenomenon of cohabitation has appeared in the Polish municipal government since 2002, when direct elections of village mayors, mayors and city presidents were introduced. Therefore, it occurs only at the level of municipality, because only in these units of local government the two bodies come from direct elections (different from county and voivodship). In the contemporary literature on the subject, the phenomenon of c. is described mainly in the context of semi-presidential systems – coming from different political parties, the president and prime minister usually do not want to share power, which means that the phenomenon of c. is conflictual. Studies conducted in the Polish local government show that at the municipality level one can distinguish conflicting c. and consensual c. (peaceful, cooperative). In cohabitative municipalities antagonisms between the authorities not always appear. The lack of such conflict

is largely due to the imbalance of power between the council and the village mayor (the mayor, the city president). [M. Sidor]

Literature: M. Sidor, K. Kuć-Czajkowska, J. Wasil, *Koabitacja na poziomie gminnym w Polsce* [Cohabitation at the municipal level in Poland], Warszawa 2017 (publication pending) ■ R. Elgie, *Semi-presidentialism, cohabitation and the collapse of electoral democracies, 1990–2008*, "Government and Opposition" 2010, no. 1.

COHESION FUND – is one of the instruments of the EU cohesion policy. The goal of the CF is to reduce economic and social disparities and promote sustainable development. It was established by the TEU and implemented by the Council of the EU Regulation of 1994. Unlike other cohesion policy instruments (→ European Regional Development Fund and European Social Fund), CF is implemented at the level of states rather than regions. When determining allocation of funds from the CF for the given country, the population, GNI per capita, country area and other socio-economic factors (e.g., transport infrastructure deficit in the recipient country) are taken into consideration. Funds from the CF can only be received by those member states whose GNI per capita does not exceed 90% of the EU average. In the years 2014–2020, the following countries are taking advantage of the funds from CF: Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Greece, Lithuania, Latvia, Malta, Poland, Portugal, Romania, Slovakia, Slovenia and Hungary. Within the framework of CF investment projects are being financed in the field of transport and environmental protection. Financial aid from the CF may be withheld by a decision of the Council if the member state exceeds the permitted public deficit limit and if it does not resolve the problem or does not take appropriate measures to address it. The help from the CF with transfers from the Structural Funds should not exceed 4% of the GDP of the beneficiary country. [K. Tomaszewski]

Literature: M. Klimowicz, *Fundusze strukturalne oraz Fundusz Spójności w państwach Europy Środkowej i Wschodniej* [Structural Funds and the Cohesion Fund in the countries of Central and Eastern Europe], Warszawa 2010 ■ M. Krasuska, *Fundusze unijne w nowej perspektywie 2014–2020* [EU funds in the new perspective 2014–2020], Warszawa 2014 ■ G. Gorzelak, *Wykorzystanie środków Unii Europejskiej dla rozwoju kraju – wstępne analizy* [The use of the European Union funds for the country's development – preliminary analyses], "Studia Regionalne i Lokalne" 2014, no. 3(57).

COLLEGIALITY (Latin *collegialis* – collective) – organisational principle in a decision-making process by collective bodies; collegial – based on cooperation of a group of persons, a team; collective, team. Collective decision making is also related to the responsibility for the decisions. It is generally assumed that decisions made in a collegial process are better than those made by a single person. In Roman Republic, col. was a common practice in a form of appointing at least two persons for every position (it always was an even number), e.g., Senate members – two people acting from one office was believed to ensure the mutual

control, prevent frauds and corruption. The reason for this way of acting was a simultaneous division of power and responsibility in order to prevent domination of a single person and to assure the effectiveness and rightness of the decisions. Col. as an organisational rule is present in public authority institutions (government – board of ministers, local government – the county board, the voivodship board), at universities (senate, department board), business (management boards), and non-governmental organisations. Col. in the decision-making process has an indubitable advantage which is the opportunity to use a bigger amount of information and broader knowledge since the members of collegial bodies differ in knowledge and professional experience and have diverse opinions on the subject at hand. That is why it is believed that they can identify and assess more solutions than one person. In public administration, two types of col. can be distinguished: structural and functional. The former relates to organisation (of many people) of deciding bodies. The latter relates to the way public administration bodies operate, consisting in making decisions in a group, usually by majority vote. [M. Kaczorowska]

Literature: C. Gallagher, *Collegiality in the East and the West in the First millennium. A Study Based on the Canonical Collections*, "The Jurist" 2004, no. 64 ■ R. Griffin, *Podstawy zarządzania organizacjami*, Warszawa 2004. Originally published as *Fundamentals of management* ■ S. Robbins, *Zasady zachowania w organizacji*, Poznań 2001. Originally published as *Organisational behaviour*.

COMMISSION FOR COMPLAINTS, MOTIONS AND PETITIONS OF DECISION-MAKING AND CONTROL BODIES – internal body of the municipality council, county council and voivodship sejmik, appointed obligatorily to consider: complaints regarding activities of the executive bodies of local government units (village mayor/mayor/president of the city, county board and voivodship board) and municipal, county and voivodship organisational units as well as motions and petitions submitted by citizens. In addition to the audit committee, this is the second of the obligatory commissions of local decision-making and control bodies. The c.c.m.p. is composed of councillors, including representatives of all clubs, with the exception of councillors acting as chairman or vice-chairman of the council/sejmik. The principles and mode of action of c.c.m.p. are regulated in the statutes of local government units. (→ commissions of local government's decision-making and control bodies) [B. Węglarz]

COMMISSIONER FOR CITIZENS' RIGHTS (CCR) – the constitutional one-person body of law protection, safeguarding the freedoms and rights of persons and citizens specified in the Constitution and other normative acts. The scope of subject matter of this protection covers all rights and freedoms granted to citizens also in other normative acts (e.g., international agreements ratified by Poland). CCR is one of the institutions of Ombudsman in Poland, it was established in 1987, and the first CCR was Professor Ewa Łętowska.

The Commissioner is appointed by the Sejm with the consent of the Senate, whom he/she annually informs about his/her activities and reports on the degree of respect accorded to the freedoms and rights of persons and citizens. The term of office of CCR lasts 5 years. The CCR is independent in his/her activities, independent of other state organs and is accountable only to the Sejm. The Commissioner is entitled to immunity which can only be reversed by the Sejm, he/she should be apolitical (he/she cannot be at the same time a deputy, a senator, cannot hold any other post, except for a professorship in an institute of higher education, nor perform any other professional activities, he cannot belong to a political party, a trade union or perform other public activities incompatible with the dignity of his office). The CCR's activities take place at the request of the citizens whose rights and freedoms were infringed and on his/her own initiative. In the latter case, the Commissioner may conduct an investigation on his/her own, apply for examining the case or its part to competent bodies, or he/she can apply to the Sejm to order the → Supreme Audit Office to conduct an inspection to examine a specific case or its part. The Commissioner executes his/her tasks through: undertaking appropriate activities in order to remove the resultant infringements of rights or freedoms in given cases, initiating actions aiming at eliminating the hierarchical discrepancies found in legal acts, approaching the relevant agencies with proposals for legislative initiative; influencing the direction of interpretation of law regarding the rights and freedoms of persons and citizens. The Commissioner is also entitled to some rights regarding initiating a procedure and taking part in examination before the common and administrative courts, demand that proceedings be instituted in civil and criminal cases, filing for cassation in civil, criminal and court-administrative proceedings. The CCR can also take part in proceedings before the Constitutional Tribunal. The structure: an auxiliary unit of the CCR is the Office of the Commissioner for Human Rights, the Commissioner can appoint up to three deputies and also field proxies. [I. Malinowska]

Literature: L. Garlicki, *Polskie prawo konstytucyjne. Zarys wykładu* [Polish constitutional law. An outline of a lecture], Warszawa 2016.

COMMISSION FOR COMPLAINTS, MOTIONS AND PETITIONS OF DECISION-MAKING AND CONTROL BODIES – internal body of the municipality council, county council and voivodship sejmik, appointed obligatorily to consider: complaints regarding activities of the executive bodies of local government units (village mayor/mayor/president of the city, county board and voivodship board) and municipal, county and voivodship organisational units as well as motions and petitions submitted by citizens. In addition to the audit committee, this is the second of the obligatory commissions of local decision-making and control bodies. The c.c.m.p. is composed of councillors, including representatives of all clubs, with the exception of councillors acting as chairman or vice-chairman of the council/sejmik. The principles and mode of action of c.c.m.p. are regulated

in the statutes of local government units. (→ commissions of local government's decision-making and control bodies) [B. Węglarz]

COMMISSIONS OF LOCAL GOVERNMENT'S DECISION-MAKING AND CONTROL BODIES – internal bodies of the municipality/county council and voivodship sejmik, of an auxiliary character. It is the council/sejmik of a given unit that decides about the advisability of appointing a c. and at the same time decides on the subject of activity and the membership. The appointed c. may be permanent – acting throughout the term of office of the council/sejmik and ad hoc – for the purpose of solving specific tasks, going beyond the scope of permanent commission's activities. The c. consists only of councillors (representatives of all council clubs), with the exception of councillors who are the chairman or deputy chairmen of the council/sejmik. An → audit committee has a special status – the only one appointed obligatorily, which gives opinions on the implementation of the budget and performs audits commissioned by the council/sejmik [P. Antkowiak]

Literature: P. Antkowiak, *Teoria i praktyka przywództwa politycznego na przykładzie bezpośrednich wyborów wójta, burmistrza i prezydenta miasta* [Theory and practice of political leadership on the example of direct elections of village mayor, mayor and the president of the city], Poznań 2016.

COMMON ASSESSMENT FRAMEWORK → CAF

COMMUNAL ECONOMY – economic activity of local-government units (municipality, county, self-government voivodship). It is run on the basis of the Municipal Economy Act, which does not contain a legal definition of c.e., it only defines it in general as, in particular, tasks of public utility character, which aim to provide current and uninterrupted satisfaction of the collective needs of the population by providing universally available services. Economic activity is defined by the legislator as any production, construction, trade and service activity, carried out for profit and for own account. A special emphasis is put on the profit and burden of the entity conducting business activity with all liability. Since January 2001, the law on economic activity has been in force, the catalogue has been extended by including exploration and exploitation of natural resources. The legislator emphasizes the continuous and organised nature of running a business. Local-government units can carry it out in two spheres: in the sphere of commercial business and in the sphere of public utilities. Until December 2000, c.e. was conducted on the basis of the 1988 Act on economic activity (the so-called Wilczek Act). [J. Wojnicki]

Literature: C. Banasiński et al., *Ustawa o gospodarce komunalnej*. *Komentarz* [The Act on communal economy. A commentary], Warszawa 2017 ■ M. Barański et al., *Samorząd lokalny i wspólnoty lokalne* [Local government and local communities], Warszawa 2007 ■ A. Miszczuk et al., *Gospodarka samorządu terytorialnego* [The economy of local government], Warszawa 2013.

COMMUNAL UNION – one of the forms of inter-self-governmental cooperation, legally defined legal form that means a voluntary structure of cooperation among units of local government – municipalities or counties that jointly execute public tasks. It is task-oriented, as it enables explicit delegation of public tasks to communal union – an entity singled out organisationally, legally and financially, whose main goal is to implement these tasks. It is a form of continuous cooperation among local governments – c.u. are established by the local government units themselves as a consequence of resolutions of their constituting bodies. C.u. have legal personality and their own organisational structure with competences and mutual relations are stated in the statute of the c.u. They can also have competences to decide in administrative matters. Due to this fact they are subject to supervision by the government administration bodies. They can be a union of units of the same category (e.g., among municipalities) or mixed (a union of municipalities and counties). C.u. can be single- or multi-industry. Using the typology of R. Herzog, one can compare c.u. in some aspects to integrated territorial corporation, since it is an organisationally separated (from among the units of local government that established it) entity that has legal personality and implements local governmental tasks. [M. Jęczarek]

Literature: M. Szczegielniak, *Podstawy prawne współpracy jednostek samorządu terytorialnego w Polsce* [The legal basis for cooperation of local government in Poland], [in:] *Współdziałanie jednostek samorządu terytorialnego w Polsce. Między kooperacją a rywalizacją* [Cooperation of local government units in Poland. Between collaboration and competition], ed. M. Szczegielniak, Warszawa 2017 ■ A. Porawski, *Współpraca JST w Polsce: stan i potrzeby* [Cooperation among local government units in Poland: status and needs], Poznań 2013 ■ P. Swianiewicz et al., *Współpraca międzygminna w Polsce: związek z rozsądku* [Inter-municipal cooperation in Poland: a reasoned connection], Warszawa 2016.

COMPETITION – the process of recruiting (selecting) of employees (among others, for the public sector) consisting in selecting the best candidates for specific positions from among all those interested who fulfil certain criteria announced to the public. C. is a method of selecting candidates used for filling both managerial and specialised positions, or those that support the decision-making processes. C. is also defined as a method of verifying formal preparation of candidates and checking their actual knowledge and suitability for occupying a particular position. In the doctrine and literature of the subject, the c. for the managerial positions is defined as the method of selection foreseen by the law or customary in the institution concerned, combined with the passive or active competition of the candidates, aiming at selecting the person with the best qualifications and predispositions to occupy a specific managerial position. The competitive mode of selection of public sector employees aims to provide the most objective criteria for recruitment and promotion. C. provide the opportunity of multi-faceted and multi-aspect observation of candidates during the recruitment process, and

thus provide the opportunity to objectify the final assessment. The transparency of competition criteria makes this a potentially effective method, giving all candidates equal opportunity and competitive conditions. The competition mode of recruitment procedures also has disadvantages – the key ones are undoubtedly the complicated and time-consuming procedure and a relatively high cost on the part of the organiser, resulting from the need for a professional set of methods and selection techniques. [K. Mroczka]

Literature: D. Dobrodziej, *Konkursy na stanowiska kierownicze* [Competitions for managerial positions], Bydgoszcz 1998 ■ T. Listwan, J. Koziński, S. Witkowski, *Konkursy na stanowiska kierownicze* [Competitions for managerial positions], Warszawa 1986 ■ P. Wacławska, *Jak dobrać bezbłędnych pracowników: czyli minimalizowanie ryzyka osobowego na etapie poprzedzającym nawiązanie stosunku pracy* [How to choose flawless employees: that is, minimizing personal risk at the stage preceding the establishment of an employment relationship], Warszawa 2008.

CONFLICT OF INTERESTS – the problem of conflict of public interest and private interest is one that is difficult to define, although many attempts are made to determine its essence. A hint can be found in the Article 13 of the Recommendation of the Committee of Ministers of the Council of Europe of May 11, 2000, which perceives the origin of conflict of interest in a situation when the "private interest of a public official influences, or appears to influence, the impartial and objective performance of his or her official duties." The definition of a private person's interest in a public function refers to any benefit to him/her, to the family, relatives, friends and people or organisations with whom he/she has economic or political contacts. The main responsibility for determining whether or not a conflict of interest has occurred lies with a person performing public function and his/her responsibility is expressed in the awareness of current or potential conflicts of interest, taking up measures to avoid such conflict, communicating to the supervisor as soon as possible the occurrence of a conflict, finally, "to comply with any final decision to withdraw from such a situation causing the conflict." Conflict of interest in public administration concerns recruitment and employment in public administration, receiving gifts, political activity, illegal lobbying, nepotism, links to private sector organisations and NGOs, access to public information, the use of official positions for non-official purposes, financial interests and conflicts between loyalty to the office and loyalty to the political party that directed that person to the particular position. Recognizing and analysing the relationship between public administration and interest groups has allowed to distinguish in political science an approach called the *policy network*. This term refers to the relationship of entities, which aims to promote specific programmatic solutions, provoked by both parties and bringing them real benefits. The links between the two parties are fixed, asymmetric and symbiotic, where public agencies, for understandable reasons, have more influence and access to resources than the interest groups. Max Weber noted that the

growth of the government and the public sector resulted, among others, from the demands the interest groups put on the government. [J. Itrich-Drabarek]

Literature: K. Będuch et al., *Przegląd zagranicznych rozwiązań w dziedzinie etyki w administracji publicznej* [Review of foreign solutions in the field of ethics in public administration], [in:] *Etyczne aspekty działalności samorządu terytorialnego* [Ethical aspects of local government's activity], ed. J. Filek, Kraków 2004 ■ R. Herbut, *Administracja publiczna – modele, funkcja, struktura* [Public administration – models, function, structure], [in:] *Administracja i polityka. Wprowadzenie* [Administration and politics. Introduction], ed. A. Ferens, I. Macek, Wrocław 1999 ■ J. Itrich-Drabarek, *The Civil Service in Poland – Theory and Experience*, Frankfurt am Main 2015.

CONNECTIONS BETWEEN PUBLIC ADMINISTRATION AND INTEREST GROUPS – B. Guy Peters distinguishes between the following types of connections: legalism, clientelism, parantela relationship, and illegitimate pressures. Legalism is a situation in which interests groups (in.gr., also called pressure groups) are recognized as natural actors in the mechanisms of political decision-making (e.g., in Germany or in the Netherlands). Clientelism is a model in which public administration recognizes selected in.gr. as natural and actual representatives of particular social interests. The number of in.gr. is limited and their choice belongs to the public administration. The non-selected in.gr. have no opportunity to express their views. The disadvantage of this model is the lack of formal-legal basis for the representation of selected in.gr., which lowers their effectiveness, narrows the participation of wide social groups in collective life and arouses social distrust. Clientelism means mutual dependence between public administration and in.gr. and is typical for the USA. Parantela relationship is a very strong link between the in.gr. and the public administration or ruling political party. Its characteristic feature is the existence of indirect relationships between administration and in.gr. Usually a hegemonic party is the mediator, and in.gr. exert influence on public affairs through the friendly support of a political party controlling public administration. Parantela relationship is typical not only for the former Soviet Union or Latin American countries, but also for democratic societies, such as Italy during the Christian democratic rule, or the V Republic of France. The last type is illegitimate pressures, which means that in.gr. do not fit in the official structures, and their appearance means that the interests of a part of society are not taken into account in policy decisions. Illegitimate pressures are redistributive, and their main purpose is to force the public administration to consider previously ignored requests. They are present in every political system, both in South America and in Europe. (→ lobbying) [J. Itrich-Drabarek]

Literature: G. Peters, *Administracja publiczna w systemie politycznym* [Public administration in the political system], Warszawa 1999.

CONSTITUTIONAL TRIBUNAL – constitutional court; a separate judicial body, independent of other authorities, established to control the constitutionality of legal acts, statutes and international agreements and other normative acts. In common law model, the judicial control of constitutionality is performer by common courts. In European model, this control is performed by courts or tribunals established particularly for this reason. Within this model, three types of courts can be distinguished: 1. French (abstract) – only selected bodies and possibly the group of deputies have the right to file a motion for abstract control of constitutionality that is not related to a particular case, the citizens are excluded from the group of applicants; 2. German (specific) – selected entities, including citizens, may apply for examination of the constitutionality of the act under which the court has made a decision; the courts can also refer to the CT in the form of a question for a preliminary ruling; 3. Italian (intermediate type) – combines both previously described models. In a case of specific control, the declaration of constitutionality applies in a given case. In a case of abstract control, the unconstitutional legal norm is removed from the legal system. In Poland, the Constitutional Tribunal was established in 1982, and its jurisprudence activities began in 1986. The Constitutional Tribunal also decides on constitutional complaints, the constitutionality of political parties' goals and activities, it settles competence disputes among central authorities of the state, decides whether there is a temporary obstacle to the fulfilment of the duties of the President of the Republic of Poland. The CT judges are independent and subjects only to the Constitution. The Tribunal's judgments are final. [M. Kaczorowska]

Literature: Z. Czeszejko-Sochacki, *Sądownictwo konstytucyjne w Polsce na tle porównawczym* [Constitutional judiciary in Poland against a comparative background], Trybunał Konstytucyjny, "Studia i Materiały", vol. 18, Warszawa 2003 ■ S. Grabowska, *Sądy konstytucyjne w wybranych państwach europejskich* [Constitutional courts in selected European countries], Rzeszów 2008 ■ *Sądy konstytucyjne w Europie* [Constitutional courts in Europe], ed. J. Trzciński, vol. I–IV, Warszawa 1996–2000.

CONTROL – in relation to public administration the category of control was defined by Jacek Jagielski as a function whose content includes: observing and recognizing a given activity or state, i.e. determining their actual image in a specific place and time; assessing this activity or state by confronting the actual (real) image of them with initial assumptions (found in the adopted objectives, standards, parameters, etc.) referenced to them – as a whole, as well as to their individual fragments. This assessment should lead to: confirming the regularity or irregularity of specific actions or states; making a diagnosis of the causes of any irregularities, possibly having a wide range, including the subject and personal aspects of the causes of identified irregularities; formulating conclusions as to this activity or state in the future, aimed at counteracting the occurrence of irregularities. Regarding public administration, control occurs on two levels: towards it (external) and performed by it (internal). In Poland, the system of

external control includes the following types of control: parliamentary, State Tribunal and Constitutional Tribunal, Commissioner for the Citizens' Rights, Supreme Audit Office, judicial, Chief Labour Inspectorate and Inspector General for Personal Data Protection, civic. The internal-administration control consists of a system of control institutions constituting links in the structure of the administrative apparatus whose control functions cover other links of the apparatus. Jagielski distinguishes four categories of this system: 1. general administrative control (governmental, departmental, territorial within the governmental framework, control in local government administration); 2. specialist control (special inspections, control by some central bodies, and financial); 3. prosecutor's control; 4. internal control in organisational units of the administration. (→ audit, supervision, administrative judiciary) [K. Mroczka]

Literature: J. Jagielski, *Kontrola administracji publicznej* [Control of public administration], Warszawa 2006 ■ M. Jaroszyński, M. Zimmermann, W. Brzeziński, *Polskie prawo administracyjne. Część ogólna* [Polish administrative law. General part], Warszawa 1956 ■ E. Ochendowski, *Prawo administracyjne* [Administrative law], Toruń 1999.

COOPERATION PROGRAMME WITH NGOs – a programme document defining the policy principles implemented by the public administration body towards the non-governmental sector. Annual c.p. adopted in the form of a resolution by the decision-making body (e.g., city council) is, in accordance with the provisions regulating the activities of the third sector and public benefit, obligatory for local-government units since 2004, and for governmental administration since 2015. Regulations require that c.p. be consulted with non-governmental organisations. Annual c.p. must contain the following elements: main objective and specific objectives; principles of cooperation; the scope of the subject; forms of cooperation; priority public tasks; implementation period; implementation method; the amount of funds planned for implementation; the way of evaluating the implementation; information on the method of creation and on the course of consultations; the mode of appointment and the rules of operation of the competition committees that express opinions on offers in open grant competitions. It should concern various forms of cooperation – not only commissioning public tasks – and cover all third sector entities from a given area. Public administration units may also adopt non-obligatory long-term cooperation plans. (→ rules of cooperation with NGOs) [I. Macek]

Literature: http://poradnik.ngo.pl/program-wspolpracy ■ http://www.pozytek.gov.pl/files/Biblioteka/BPP/model_wspolpracy.pdf.

COORDINATION OF EUROPEAN MATTERS – a group of actions performer by different political entities (on both country and European levels) with use of tools and instruments of coordination (appropriate legislation, effective channels of communication, division of competence within and among institutions), aimed at creating a state of allowing the most effective representation of interest

of the EU member states on the EU institutions' forums in the scope of European policies with simultaneous most effective implementation of the assumptions of these policies on the country level. In this context, the term *coordination* means to define, organise various elements, actions, functions to ensure their accordant cooperation, to align themselves to achieve a goal. The c.o.e.m. is grounded in the EU Treaty – in the obligation of the member states to take any general or particular measures required to carry out the obligations resulting from the EU treaties or institutions. The term European matters is most often used to describe the EU policies. The institutions engaged in the c.o.e.m. to the greatest extent are ministries (to a different extent, depending on the country), parliaments of the member states, permanent representations of the states in Brussels, often also regional-level institutions. The c.o.e.m. is often divided into "coordination up" and "coordination down". The former concerns establishing a positioning of a member state to the EU institutions (usually the Council), while the latter involves the implementation of a decision already taken at European level into the legal system of a member state. Representing the member state before the Court of Justice of the European Union also lies within the scope of the c.o.e.m. [R. Mieńkowska-Norkiene]

Literature: R. Mieńkowska-Norkiene, *Efektywność koordynacji polityki europejskiej w Polsce. Model teoretyczny, ewaluacja i rekomendacje* [Effectiveness of European policy coordination in Poland. Theoretical model, evaluation and recommendations], Warszawa 2013 ■ A. Nowak-Far, A. Michoński, *Krajowa administracja w unijnym procesie podejmowania decyzji* [National administration in the EU decision-making process], Warszawa 2004.

COPRODUCTION OF PUBLIC SERVICES – direct involvement of citizens as equal partners in the process of planning, designing, delivering and evaluating public services. The aim of c. is to improve the quality of public services by adapting them to the needs and expectations expressed by recipients, i.e. citizens. The idea of c. originates from the United States and originally boiled down to direct involvement of citizens or clients of the public or private sector in the production of services (in the 1970s). Nowadays, there has been a shift from the traditional model that emphasized the full and exclusive responsibility of the public sector for the supply of public services towards treatment of c. as an approach based on cooperation of public administration with citizens and requiring a significant contribution from both sides. This redefinition has changed the role of the citizen – from the consumer of public services offered by the administration to one actively involved in the planning, design, delivery and evaluation of public services. [E. Szulc-Wałecka]

Literature: S.P. Osborne, *The new public governance? Emerging perspectives on the theory and practice of public governance*, London 2010 ■ *Partycypacja publiczna. O uczestnictwie obywateli w życiu wspólnoty lokalnej* [Public participation. On participation of citizens in the life of the local community], ed. A. Olech, Warszawa 2011 ■ *Together for Better Public Services: Partnering with Citizen and Civil Society*, OECD 2011.

CORRUPTION – in political science terms it is defined as any failure to fulfil obligations resulting from holding a position, function or office if the purpose of this failure is to achieve undue personal gain. It is a testimony to the irregularities in the management of public administration, and in the broader context – of state institutions. The problem of c. historically and contemporarily refers primarily to persons holding public functions – officials, public officials, employees of the public sphere. In the literature we encounter many definitions of corruption – according to Susan Rose-Ackerman, it is a violation of certain rules of the social system of division of goods, for compliance with which – at various levels – one is responsible. C. according to Jeremy Pope, is primarily a misuse of public authority for material gain. These can be all kinds of benefits, from purely monetary nature, through gifts, workplace, other types of services or goods. All of these goods/benefits can be awarded directly or in the future, and can relate to a single person as well as his or her family, clientele or party. In ancient Egypt or Babylon, the acts of c. were made mainly by the judges; in Rome, the governors of the province, the tax and duty collectors, the tenants of the state mines, the owners of the manufactories, and others succumbed to it. In Greece, acts of c. appear with the fall of democracy. The first evidence of the existence of bribery is a document from Assyria dating back nearly 5400 years. About 2000 years ago, the minister of the Indian king Kautiliya wrote the first text on this subject – *Arthaśastra* treatise. In Poland, the oldest record of c. can be found in the chronicles of Gallo Anonymous. The problem of c. broke out when it became a political issue. As long as there was no conflict, one remained silent on many cases, when the dispute broke out, these cases were brought to light. Many philosophers and outstanding historical figures dealt with the phenomenon of c. The researcher Jacob van Klaveren sees an alternative in the early modern epoch: the sale of offices or c. He found that where the state did not sell offices there was c. His thought should be understood as follows: the authority can legitimize a phenomenon that would otherwise be a crime. If the state, as Max Weber asserted, is an institution monopolising the right to violence, it also has the power to confer legitimacy or criminality on acts and institutions. In addition, the whole society does not have to share the conviction of the ruling group. One of the manifestations of the political c. is the phenomenon of patronage (political spoils), that is taking up official positions to obtain funds for the needs of one's own political party. These are posts in public administration and public finances transferred to the political party through various foundations, associations, research institutes (or at least those with such names), social-welfare and loans offices and commercial law firms. States with high levels of politicization of public services are more prone to c. and are exposed to the loss of specialist staff and continuity of the so-called institutional memory than the states in which there is an independent, apolitical, stable public administration. In discussion on the prevention of c., two views clash: the first is that one must prosecute and severely punish those who commit c., and the other is that such measures

should be introduced that would minimize all factors causing the phenomenon of c. [J. Itrich-Drabarek]

Literature: J. Itrich-Drabarek, *Uwarunkowania, standardy i kierunki zmian służby cywilnej w Polsce na tle europejskim* [Conditions, standards and directions of changes in the civil service in Poland against the European background], Warszawa 2010 ■ A. Mączak, *Rządzący i rządzeni* [The governing and the governed], Warszawa 1986 ■ S. Rose-Ackerman, *Korupcja i rządy* [Corruption and governments], Warszawa 2001.

COUNCIL OF MINISTERS – is the chief constitutional body of the Executive – next to the → President – in the Republic of Poland. The Council of Ministers (the government) is nominated by the President of the Republic of Poland based on the proposal of the → President of the Council of Ministers (Prime Minister). It conducts the domestic and foreign policy of the Republic of Poland, it directs the → government administration. The Council of Ministers is responsible for the matters of the state's policies not excluded for other state bodies and local government. The Council of Ministers has the right of legislative initiative, ensures implementation of the statutes and issues regulations and resolutions. It coordinates and controls the work of government administration. It protects the interests of the State Treasury, approves the draft budget of the state and supervises its implementation, passes a resolution on the closing of the state's accounts and report on the implementation of the budget. It ensures the internal security of the state and public order and the external security of the state. It exercises general control in the field of relations with other states and international organisations. It concludes international agreements requiring ratification as well as accepts and renounces other international agreements. It exercises general control in the field of national defence and determines the organisation and the manner of its own work. The Council of Ministers is composed of the Prime Minister and ministers, Vice-presidents of the Council of Ministers (Deputy Prime Ministers) and also the presidents of committees specified in statutes may also be appointed. The members of the Council of Ministers accountable to the → Tribunal of State for an infringement of the Constitution or statutes, as well as for the commission of an offence connected with the duties of the held office. They are also collectively responsible to the Sejm for the activities of the Council of Ministers and are individually responsible to the Sejm for those matters falling within their competence or assigned to them by the Prime Minister. The law provides for the possibility of creating joint committees, consisting of representatives of the government and representatives of specific (appropriate in the given area of the cases) institutions and circles – the examples can include the Joint Commission of Government Representatives and the Polish Bishops' Conference and the Joint Commission of Government and Local Government. [I. Malinowska]

Literature: L. Garlicki, *Polskie prawo konstytucyjne. Zarys wykładu* [Polish constitutional law. An outline of a lecture], Warszawa 2016.

COUNCIL OF SENIORS OF THE MUNICIPALITY/CITY – a body of a consultative, advisory and initiating character created optionally by the municipality council on its own initiative or at the request of interested communities. In accordance with the Act on local government, a municipality should promote intergenerational solidarity and create conditions to stimulate civic activity of older people in the local community. Municipality's c.s. consists of representatives of the elderly and representatives of entities acting for the benefit of the elderly, in particular representatives of → NGOs and entities running universities of the third age. The statute of the c.s. is prepared by the municipality council, it contains principles defining the mode of selecting its members and rules of operation, which should ensure the use of the potential of existing organisations of the elderly and entities acting for the benefit of the elderly. The municipality council may, in the statute of an auxiliary unit, authorize it to create a c.s. of the auxiliary unit. C.s. operates in the following areas: preventing and overcoming the marginalization of seniors; supporting the activity of older people; housing for seniors; prevention and promotion of seniors' health; overcoming stereotypes about seniors and old age, building the authority of seniors; development of leisure activities, access to education and culture. [P. Antkowiak]

Literature: B. Dolnicki, *Samorząd terytorialny* [Local government], Warszawa 2016.

COUNCIL OF THE CAPITAL CITY OF WARSAW – the decision-making and control body of the capital-city government, comes from universal, equal, direct election conducted by secret ballot. It makes decisions about the most important matters of the city and supervises the activities of the president of Warsaw. The council consists of 60 councillors elected in the universal, equal, direct election conducted by secret ballot. The activities of the council of the c.c. of Warsaw are directed by the chairman elected from among the members of the council, who together with the vice-presidents forms the so-called presidium of the council. The status of the council of the c.c. of Warsaw is distinguished by the fact that its rules of functioning and powers are regulated, apart from the general acts concerning the system of local government, by a separate legal act – the so-called detailed regulation. The exclusive competences of the c.c. of Warsaw council include: constituting local law, including the adoption of the statute of the c.c. of Warsaw; passing the statutes of districts of the c.c. of Warsaw; determining the remuneration of the president of the c.c. of Warsaw; making decisions about the direction of his/her actions and accepting reports on his/her activity; appointing and dismissing of the treasurer of c.c. of Warsaw (at the request of the president of the c.c. of Warsaw); passing the budget of the c.c. of Warsaw, examining the report on implementation of the budget and adopting a resolution on granting or not the vote of acceptance in this regard. Among the competences of the c.c. of Warsaw council is the adoption of resolutions concerning: taxes and fees within the limits specified in separate laws; study of conditions and directions of spatial development of the municipality and local spatial development

plans; economic programs; development programmes in accordance with the regulations of the rules of development policy; the scope of activities of auxiliary units, the rules of transferring the components of the assets for them to use and the principles of transferring budgetary resources for the fulfilment of their tasks. In addition, resolutions regarding assets of the municipality, which exceed the scope of ordinary management, concerning: the principles of acquiring, disposing and encumbering the property and their renting or leasing for a definite period longer than three years or for an indefinite period; issuing bonds and defining rules for their sale, purchase and redemption; incurring long-term loans and credits; setting the maximum amount of loans and short-term loans taken by the president of the city in the budget year; commitments for investment and repairs exceeding the limit established annually by the board; creating and joining unions, associations and foundations; creating and acceding companies and cooperatives and their dissolution and withdrawal from them; defining the rules for bringing, withdrawing and disposing of shares and stocks; creating, liquidating and reorganising of enterprises, establishments and other municipal organisational units and equipping them with property; setting the maximum amount of loans and sureties granted by the president during the financial year; determining the amount to which the president can himself contract. Another group of entitlements includes the adoption of resolutions concerning: acceptance of tasks in the scope of government administration; cooperation with other municipalities and counties and allocation of appropriate assets for this purpose; cooperation with local and regional communities of other countries and joining international associations of local and regional communities; naming of streets and squares being public roads or naming internal roads, as well as the erection of monuments; granting honorary citizenship of the c.c. of Warsaw; establishing the principles for granting scholarships to pupils and students. The competences of the c.c. of Warsaw council also include the adoption of resolutions on the crime prevention programme and the protection of security of citizens and public order; anti-unemployment programme and activation of the local labour market; assessing the state of fire safety and flood protection in the c.c. of Warsaw; decision-making in other matters restricted by law to the competence of the municipality council and the county council (the c.c. of Warsaw council combines the powers of both of these councils). (→ decision-making and control body of local government) [J. Wojnicki]

Literature: S. Faliński, *Warszawski samorząd terytorialny w latach 1990–2002: geneza, ustrój, idee ustrojowe, aktywność* [Warsaw local government in years 1990–2002: genesis, system, systemic ideas, and activity], Warszawa 2013 ■ M. Kulesza, *Budowanie samorządu* [Building local government], Warszawa 2008 ■ M. Niziołek, *Problemy ustroju aglomeracji miejskich* [Problems of the system of urban agglomerations], Warszawa 2008.

COUNCILLOR – a representative of a local or regional community, sitting in a multi-person decision-making and control body, meaning a council or a sejmik.

C. is elected in direct elections, his/her mandate lasts five years (term of office of the council/sejmik). The mandate of the c. includes certain rights and obligations. The mandate is legally protected (the c. benefits from legal protection provided for → public officials, including in the scope of protection of employment and dismissal from work). C. is not treated as a representative of voters from his electoral constituency – he/she is obliged to care for the good of the whole local/regional community. This is accompanied by the statutory obligation to maintain a permanent relationship with residents and their associations (organisations), although the c. is not bound by the voters' instructions. C. should accept the demands of the residents and submit them to the independent and auxiliary bodies for consideration: the council/sejmik, the relevant committees of the governing bodies, the board or the village mayor/mayor/president of the city. The exercise of the mandate of the c. must be protected against potential irregularities (abuses) that could be a violation of the will of voters. Thus, the c. cannot run a business with the use of municipal property of the local-government units, in which he/she obtained a mandate (*incompatibilitas* in the material sense). Also, he/she cannot be employed in the local-government office of the territorial unit in which he/she obtained the mandate, and also act as a director or deputy director of a local-government organisational unit, be a deputy, senator, voivode and vice-voivode (*incompatibilitas* in the formal sense). The obligation is to submit a personal property declaration. C. is obliged to participate in the works of the council/sejmik, of which he/she is a member; he/she also has the right to participate in the work of the commission of which he/she is not a member (without the right to vote). C. authorized by the council/sejmik or their committees has the right to undertake control activities. (→ decision-making and control body of local government) [T. Słomka]

Literature: A. Krajewska, *Radni a partycypacja publiczna* [Councillors and public participation], Instytut Spraw Publicznych "Analizy i Opinie" 2013, no. 5 ■ *Status prawny rady gminy* [Legal status of the municipality council], ed. M. Chmaj, Warszawa 2012.

COUNTERACTING ALCOHOLISM – actions undertaken by governmental public institutions and social organisations aiming at preventing the development of overuse of alcohol. It presumes creating at the central level the → National Programme for Preventing and Solving Alcohol Problems and on regional and local levels respectfully – voivodship and municipal programmes which constitute a part of voivodship and municipal strategies for solving social problems [A. Bejma]

COUNTERACTING DRUG ADDICTION – actions undertaken by governmental public institutions and social organisations aiming at preventing the growth of the phenomenon of abuse of prohibited substances. It presumes creating at the central level the → National Program on Counteracting Drug Addiction, with the → National Bureau for Drug Prevention responsible for implementing it, and on regional and local levels respectfully: voivodship and municipal

programmes for preventing drug addiction. They are one of the elements of voivodship and municipal strategies for solving social problems. Their goal is to prevent the emergence and spread of drug addiction. [A. Bejma]

COUNTY – established by law, a separate union of the local society, a local self-government community, established to independently perform part of the tasks of the state and equipped with material means to carry out tasks; unit of the basic three-tier territorial division. C. was restored in 1998 as part of the local government reform, and operates on the basis of the County Self-Government Act. C. performs public tasks of supra-municipal character, specified in the Act, to the extent specified therein. The functions of the c. have a supplementary and compensatory character in relation to the municipality. C. was created in order to create, together with the municipality, a system for the implementation of all public tasks of a local nature in local government structures. The decision-making and control body is the → county council. The executive body is the → country board. An auxiliary unit of the county board is the county joint administration consisting of the county starost's office, heads of county services, inspections and guards, and other c. organisational units. The head of the county's starost office is the → starost. Supervision over the activities of the c. is exercised by the president of the council of ministers, voivode, and in the area of financial affairs → the regional audit chamber. (→ local government, supervision of local government, local community) [B. Marczewska]

Literature: B. Dolnicki, *Samorząd terytorialny* [Local government], Warszawa 2012 ■ H. Izdebski, *Samorząd terytorialny. Podstawy ustroju i działalności* [Local government. Fundamentals of the system and activity], Warszawa 2014.

COUNTY BOARD – a collegiate executive body of the county, appointed by the county council on request of the → starost. The composition of the c.b. includes: starost (as its chairman), vice-starost and other members of the board. The county council selects the starost first, and then – on his request – the other members of the board. The c.b. consists of three to five members (including the starost). Selection of the c.b. should be made within three months from the date of publication of the results of the council election. Failure to select the board in the statutory time results in termination of the county council by virtue of law and in the early election of the c.c. ordered by the voivode. The c.b. competences include: preparing draft resolutions of c.c.; executing resolutions of c.c.; managing municipal property of the county; executing the county budget; hiring and dismissing managers of county organisational units. Membership in the c.b. should not be combined with the membership in a body of another local government unit (municipal council, voivodship sejmik, voivodship board) or holding the mandate of a village mayor, with employment in the government administration, and with the fulfilment of parliamentary mandate. A member of the c.b. does not have to be a councillor. The c.b. can be dismissed in two

cases: obligatorily in the case of failing to be granted a vote of acceptance for the implementation of the budget, optionally (the whole board or individual members of the board) – by resolution of the c.c., on request made by the group of at least 2/5 of the statutory composition of the council, for another reason than not granting acceptance. The c.c. may dismiss the c.b. (or individual members thereof) by resolution adopted by a majority of 3/5 of the statutory composition of the c.c. by secret ballot. (→ executive body of local government) [J. Wojnicki]

Literature: H. Izdebski, *Samorząd terytorialny: podstawy ustroju i działalności* [Local government: the foundations of the system and activity], Warszawa 2014 ■ K. Koc, *Powiat; przestrzeń władzy publicznej* [County; the space of public authority], Toruń 2013 ■ K. Piasecki, *Samorząd terytorialny i wspólnoty lokalne* [Local government and local communities], Warszawa 2009.

COUNTY COUNCIL – the decision-making and control body of the county, elected in local-government elections that are universal, equal, direct, and conducted by secret ballot. The term of office is five years, counting from the day of the election. It is a body with general competence, empowered to undertake and execute all matters reserved for the scope of activities of the county. The exclusive competences of the c.c. include the systemic and organisational competences: constituting local law, including the statute of the county, the election and dismissal of the county board (c.b.), determining the remuneration of the starost, appointing and dismissing the secretary and treasurer of the county, deciding on the directions of the activities of the c.b. and reviewing reports on its activities, including financial activities; the right to appoint permanent and ad hoc committees as well as to determine the subject of the activity and the composition of their membership, adoption of the organisational regulations of the county district office. In addition, the county council's competencies include: economic and property, including the adoption of resolutions in the district property matters beyond the scope of ordinary management; financial competences, including the adoption of the budget of the county, reviewing the report on the implementation of the budget and adoption of a resolution on granting or not granting the vote of acceptance for the board; administrative competences, including – adoption of resolutions on the acceptance of government administration tasks and on the delegation of public tasks; in the scope of foreign cooperation, including the adoption of resolutions in matters of cooperation with local communities from other countries and accession to international associations of local communities; local order, including the adoption of resolutions on the county coat of arms and county flags; control and supervision, including control of the activity of the c.b. and its subordinate units, supervising the activities of the c.b. The c.c. adopts resolutions concerning: the amount of taxes and fees within the limits set by statutory regulations; the rules of granting scholarships for pupils and students; the county programme for crime prevention and protection of citizens' safety and public order; the county unemployment prevention

programme and the activation of the local labour market. The council's work is led by a chairman elected from among the councillors, with the help of one to two deputies. Meetings of the c.c. are convened by the chairman on his own initiative, at least once a quarter. Extraordinary meetings may be requested by the c.b., starost or a group of at least 1/4 of the statutory council members. The councillors work in the plenary sessions of the council and in the subject committees. (→ decision-making and control body of local government) [J. Wojnicki]

Literature: B. Dolnicki, *Samorząd terytorialny* [Local government], Warszawa 2016 ■ E. Nowacka, *Polski samorząd terytorialny* [Polish local government] Warszawa 2005 ■ P. Sarnecki, *Samorząd terytorialny: zasady ustrojowe i praktyka* [Local government: systemic principles and practice], Warszawa 2005.

COUNTY'S BUDGET – an annual plan of income and expenses as well as revenues and expenditures of the county. C.b. is adopted by the county council in the form of a budgetary resolution that forms the basis of the county's financial economy in a given budget year. The initiative of drawing up a draft county budget resolution is only in the power of the executive body – the county board. The mode of work on the draft budget resolution is defined by the county council. C.b. is the main instrument of exercising power and implementing the county's tasks. C.b. is a cash plan, and therefore includes planned earnings (incomes and revenues) as well as expenses and expenditures. C.b. includes the income plan, the expenses plan, the planned revenue and expenditures and the budget result. Individual budget plans are included in the budget classification items and presented in the attachments to the budget resolution. The resolution contains the total amounts of income and expenses divided into current and property expenses as well as the total amount of planned revenues and expenditures. The income and revenue included in the c.b. are their projected values, and expenses and expenditures have an impassable limit. C.b. includes financial plans of all county budgetary units. The county council adopts a budgetary resolution before the beginning of the budget year, and in particularly justified cases – no later than by 31st January of the budget year. The main incomes of the counties are: subsidies, personal income tax and subsidies for government administration tasks. In the case of cities with county rights, a real estate property tax is also an important source of income. Expenses of the counties are primarily intended for: education and upbringing, transport, social assistance and public administration. (→ county's income) [T. Strąk]

Literature: T. Lubińska, *Budżet a finanse publiczne* [Budget and public finances], Warszawa 2010 ■ S. Owsiak, *Finanse publiczne. Współczesne ujęcie* [Public finances. Contemporary perspective], Warszawa 2017 ■ P. Sołtyk, M. Dębowska-Sołtyk, *Finanse samorządowe* [Local government finances], Warszawa 2016.

COUNTY'S INCOME – a part of public incomes, which in accordance with applicable regulations are a source of public funds of a county. C.i. is non-refundable

cash earnings of the county (to an account or paid at the cash desk). C.i. are: own income, general subsidy and special subsidies from the state budget. C.i. may be: funds from non-refundable foreign sources, funds from the EU budget, other resources specified in separate regulations, and appropriations from special funds. Own incomes of the county are: 1. tax incomes, i.e. shares in earnings from income taxes (PIT – 10.25%, CIT – 1.4%). 2. non-tax incomes: a. earnings from fees constituting county income; b. income received by county budgetary units and payments from county budgetary institutions; c. income from county property; d. inheritance, legacies and donations to the county; e. income from cash penalties and fines; f. 5% of incomes received for the benefit of the state budget in connection with the implementation of tasks in the field of government administration and other tasks ordered by laws; g. interest on loans granted by the county; h. interest on late payments of receivables constituting county income; i. interest on funds accumulated on county bank accounts; j. subsidies from the budgets of other local-government units; k. other income due to the county under separate regulations. The general subsidy covers the following types of subsidies: compensatory, balancing and education. C.i. from targeted subsidies is primarily income from subsidies for government administration tasks and other tasks mandated by laws and for the implementation of tasks by county guard and inspections. (→ county's budget) [T. Strąk]

Literature: T. Lubińska, S. Franek, M. Będzieszak, *Potencjał dochodowy samorządu w Polsce* [The income potential of local government in Poland], Warszawa 2007 ■ S. Owsiak, *Finanse publiczne. Współczesne ujęcie* [Public finances. Contemporary perspective], Warszawa 2017.

COUNTY'S STATUTE – a local law act containing constitutional and organisational rules in force in the county. Regulations of the c.s. describe the organisation, scope and way of operation of the county. The adoption of c.s. belongs to the exclusive competence of the county council, which is bound in this respect by the provisions of the act on county self-government and laws that determine the county system. C.s. should not be simply a repetition of the provisions of the Act, nor can it contain regulations inconsistent with it. C.s. determines in particular the internal organisation and the work mode of the council and commissions appointed by the council. This means that it regulates issues related to convening county council sessions, preparing for sessions, voting rules, adopting resolutions, councillor's status. In addition, it defines the rules for the creation and operation of county councillors' clubs. In c.s. the internal organisation of the audit committee is regulated as well as its powers, that is, the rules and procedures for carrying out inspections and reports on the work, as well as rules regarding the minutes, audit conclusions and the committee's deliberations. In c.s. one can specify the coat of arms and the county flag. In c.s. the internal organisation and the mode of work of the county's board are defined, as well as the issue of choosing the starost, deputy starosts and other members of the

board. This act also regulates the rules of residents' access to documents and the use of them. C.s. is subject to publication in the voivodship official journal. (→ local law acts adopted by the county) [S. Kozłowski]

Literature: D. Dąbek, *Prawo miejscowe* [Local law], Warszawa 2015.

COUNTY'S TASKS – statutory public tasks of a supra-municipal nature. The county performs a complementary and compensatory function in relation to municipalities in the scope of performed tasks, the catalogue of these tasks is legally defined. Categories of c.t. include: 1. technical infrastructure, 2. social infrastructure, 3. citizens' security and order; 4. agriculture, forestry and water management, 5. promotion of the county and cooperation with non-governmental organisations, supporting the idea of local government. The mentioned groups of c.t. include in particular: 1. management of county roads, public transport, issuing a driving license, issuing opinions on the location of motorways; 2. pro-family policy, supporting people with disabilities, fighting alcoholism, counteracting epidemics, campaigns against drug addiction, counteracting unemployment and activating the local labor market, protecting consumer rights, maintaining county hospitals, culture and protection of monuments and care of monuments, tourism, education – secondary schools, construction and maintenance of school facilities; 3. tasks in the field of geodesy, cartography and cadastre, real estate management, architectural and construction administration, flood protection, fire protection and prevention of other extraordinary threats to life and health of people and the environment, maintenance of county facilities and public utilities and administrative facilities, defence cases; 4. protection of the environment and nature, agriculture, forestry and inland fishery. C.t. also include ensuring that the tasks of the heads of county services, inspections and guards specified in the Act are fulfilled. (→ public tasks) [E. Szulc-Wałecka]

Literature: B. Dolnicki, *Samorząd terytorialny* [Local government], Warszawa 2009 ■ M. Kulesza, H. Izdebski, *Administracja publiczna: zagadnienia ogólne* [Public administration: general issues], Warszawa 2004.

CRISIS MANAGEMENT – activities performed by public administration bodies (government and local government) that are an important element of national security management (a key part of the national security system, which includes public authority bodies and heads of organisational units performing tasks related to national security, as well as advisory bodies, administrative apparatus, operational procedures and related infrastructure). C.m. is created by four interrelated and parallel groups of activities, referred to as phases (stages): 1. prevention of crisis situations (c.s.) – minimizing the risk (probability and consequences) of the occurrence of threats, which is primarily implemented by law-making, e.g., fire-fighting, and its enforcement; 2. preparation for taking over control over the c.s. through implementation of planned activities – civil planning and c.m. plans (including, in particular, crisis response procedures), exercises and social

education; 3. reaction to the c.s. in the event of their occurrence – assistance to victims and limiting material losses, implemented in a coordinated manner by institutions specialised in providing security, i.e. service, inspections, guards; verification of the preparation phase; 4. removal of the effects of c.s. and reconstruction of resources and critical infrastructure (i.e. key infrastructure for → security of the state and its citizens, aimed at ensuring the efficient functioning of public administration bodies, as well as institutions and entrepreneurs) – for example, estimating losses, financial assistance and providing basic living conditions for the evacuated population. C.s. is understood as situations adversely affecting the level of safety of people, property on a large scale or the environment ("the area of the victims" – a greater scale of the consequences of threats and the resulting social response) and causing significant restrictions in the operation of the relevant public administration bodies due to the inadequacy of possessed forces and resources ("the area of the responsible" – insufficient forces [human resources] and resources [material resources, including financial], as well as methods [ways] that enable effective functioning), resulting in the need to coordinate and support the taken actions. C.s. constitutes c.m., placing the tasks carried out within its framework between the so-called everyday hazards, such as road collisions (high probability of occurrence, low impact, limited social reaction, lack of coordination and support of responsive services, inspections and guards, lack of additional authoritative powers) and special threats that come down to exceptional states, i.e. state of disaster, state of emergency and martial law (low probability of occurrence, catastrophic consequences, dramatic social reaction, insufficient ordinary constitutional means, leading to changes in the rules of operation of public authorities and increasing the scope of restrictions on human and civil rights and freedoms). (→ crisis management organisation) [M. Brzeziński]

Literature: M. Brzeziński, *Sytuacja kryzysowa w rozumieniu ustawy z dnia 26 kwietnia 2007 r. o zarządzaniu kryzysowym – analiza pojęcia* [Crisis situation within the meaning of the Act of 26 April 2007 on crisis management – concept analysis], „e-Politikon" 2013, no. 6 ■ W. Skomra, *Zarządzanie kryzysowe. Praktyczny przewodnik* [Crisis management. A practical guide], Wrocław 2016.

CRISIS MANAGEMENT ORGANISATION – a system of institutions implementing tasks in the field of → crisis management (c.m.), based on the administrative division of the state (the principle of primacy of the territorial system) and the involvement of the entire public administration (the principle of universality). The organisational structure of c.m. is designated by the bodies responsible for the implementation of c.m. tasks in a specific territory. These include: 1. the Council of Ministers – the state, 2. voivode – voivodship, 3. starost – county, 4. village mayor, mayor, president of the city – municipality. Apart from the Council of Ministers, the listed bodies have a one-person character (the principle of the primacy of one-person management). The services of c.m. authorities, including

the implementation of their tasks, are managed by the following organisational units (according to the distinguished levels: state, voivodship, county, municipality): 1. the Government Centre for Security (GCS), 2. organisational unit competent in c.m. at the voivodship office, 3. county joint administration and organisational units, 4. organisational unit of the municipality/city office competent in matters of c.m. Additionally, there are advisory bodies for consultative and advisory purposes that operate with the c.m. bodies: 1. Governmental Crisis Management Team, 2. voivodship c.m. team, 3. county c.m. team (problematic legal status, e.g., lack of the term "body"), 4. municipal c.m. team. C.m. bodies have c.m. centres which are are organisational units of an "on-duty" nature, dealing with the flow of information for the needs of c.m.: 1. GCS, 2. voivodship c.m. centre, 3. county c.m. centre, 4. municipal/city c.m. centre (optional creation). In addition to the above mentioned bodies and units, c.m. tasks are implemented by ministers directing the → government administration departments and heads of central offices, within their scope (the principle of continuity). Their duties include the creation of c.m. teams (there are no grounds for considering teams as c.m. bodies). In turn, c.m. centres (organisational units of an "on-duty" nature) are created by ministers and central bodies of government administration, whose scope of activities include issues related to ensuring national security, including civil protection or economic foundations of state security. The GCS is a competent body for other ministers and central bodies of government administration. (→ government administration in exceptional states, local government administration in exceptional states) [M. Brzeziński]

Literature: M. Brzeziński, *Zarządzanie kryzysowe jako wyzywanie dla samorządu gminnego* [Crisis management as a challenge for the municipal government], [in:] *Samorząd terytorialny w Polsce – reforma czy kontynuacja?* [Local government in Poland – reform or continuation?], ed. J. Itrich-Drabarek, E. Borowska, A. Morawski, D. Przastek, Warszawa 2015 ■ W. Skomra, *Zarządzanie kryzysowe. Praktyczny przewodnik* [Crisis management. A practical guide], Wrocław 2016.

D

DECENTRALISATION – a way of organising public administration in which the lower level bodies are not hierarchically subordinated to higher bodies, they independently enact the tasks delegated by law, while being subject to supervision only from the point of view of legality. In decentralized system of public administration the following rules are in force: 1. each particular administrating entities have clearly defined competences; 2. these competences are determined or transferred from other bodies by legislation and are implemented autonomously; 3. the supervision of the decentralized bodies by the state is limited and refers to ensuring the proper performance of tasks. The supervision should on the one hand guarantee the unity of the state, and on the other hand, it should ensure the freedom and independence of action of the decentralized bodies. Dec. assumes independence of the lower level bodies, which means that the higher level body: cannot decide about the personnel appointments of the lower body; it cannot instruct the lower bodies on how to execute the tasks within their competences; it may enter into matters dealt with by a lower body only in situations expressly defined by law. The most important form of decentralized administration is → local government, i.e. public governing by public-law associations independent from the state, composed of all the inhabitants of a given territory. The principle of dec. is also a systemic principle adopted in Poland and means the functioning of local government in all units of the basic territorial division, equipped with its own tasks and responsibilities, as well as elected authorities. Other decentralized entities may be involved in the execution of tasks by local governments, e.g., municipal enterprises, private companies with public administration functions, professional self-government, social organisations, etc. [K.A. Kuć-Czajkowska]

Literature: B. Dolnicki, *Samorząd terytorialny* [Local government], Kraków 2016 ■ Z. Leoński, *Samorząd terytorialny w RP* [Local government in the Republic of Poland], Warszawa 2006 ■ A.K. Piasecki, *Samorząd terytorialny i wspólnoty lokalne* [Local government and local communities], Warszawa 2009.

DECISION – an administrative act of an external nature, manifestation of the will of the competent administrative body. It is based on procedural law, its addressees can be both parties to the proceedings, as well as participants (e.g., witnesses). In the cases provided for by law, d. is subject to an appeal in the form of a complaint. Types of decisions: 1. strictly procedural, regarding issues emerging in the course of the proceedings, 2. procedural, affecting the further course of the proceedings, 3. relating to the substance or having material-legal effect (final – e.g., approval of the settlement), 4. issued outside

the general administrative proceedings. The effects of a d. are diverse, individualised, dependent on the type of the d. Requirements to be met by the d.: designation of the public administration body and the date of issuance of the d.; designation of the party or parties or other persons involved in the proceedings; establishing a legal basis; decision; instruction on whether and in what mode the complaint or appeal to the administrative court serves it; signature with the name and official position of the person authorized to issuing a d. D. should contain factual and legal justification in the case when an appeal or complaint to the administrative court serves it, and if it was issued as a result of an appeal against the d. The provisions, from which the parties are entitled to appeal or complain to the administrative court, are served in writing or by using electronic means of communication. (→ administrative proceedings, public administration body, administrative court) [B. Springer]

Literature: B. Adamiak, J. Borkowski, *Polskie postępowanie administracyjne i sądowoadministracyjne* [Polish administrative and court-administrative proceedings], Warszawa 2003.

DECISION-MAKING AND CONTROL BODY OF LOCAL GOVERNMENT – the constitutional and statutory definition of the municipality council, county council and voivodship sejmik, bodies operating in three basic types of units: local self-government (municipality, county) and regional self-government (self-governmental voivodship). The name was introduced into Polish legislation in the Second Republic of Poland by virtue of the consolidation act of March 1933. The d-m.a.c.b. is comprised of councillors. In a municipality with the status of a city, the official name of the body is the city council. D-m.a.c.b. comes from local, universal, equal, direct elections conducted by a secret ballot. Term of office of d-m.a.c.b. lasts four years, starting from the day of the election. The name of the self-government body indicates the basic tasks – making acts of local law and exercising supervision over the executive body (village mayor/mayor/president of the city or the board). Control functions are expressed, for example, in the → vote of acceptance for budget execution, the right to request information and reports on current operations, the submission of questions and → interpellations by councillors. D-m.a.c.b. has the competence to dismiss the executive body: in the case of a municipality, this is the initiation of an appeal referendum, in the case of a county and the self-government voivodship – a direct appeal procedure initiated at the session by councillors. The works of d-m.a.c.b. are directed by the chairman, in cooperation with the deputies: in the municipality and the self-government voivodship – from one to three, in the county – from one to two. Meetings of the d-m.a.c.b. are convened by the chairman on his/her own initiative, at least once a quarter. An extraordinary meeting may be requested: in the municipality by the village mayor/mayor/president of the city or a group of at least 1/4 of the statutory composition of the council; in the county – the county board, starost or a group of at least 1/4 of the statutory

composition of the council; in the self-government voivodship – the voivodship board or a group of at least 1/4 of the statutory composition of the sejmik. Councillors work at plenary meetings of the council/sejmik and substantive committees. (→ councillor; local law; executive body of local government) [J. Wojnicki]

Literature: E. Nowacka, *Władza samorządu lokalnego* [The power of local government], Warszawa 2012 ■ A. Piasecki, *Samorząd terytorialny i wspólnoty lokalne* [Local government and local communities], Warszawa 2009 ■ E. Zieliński, *Administracja rządowa i samorządowa w Polsce* [Government and local government administration in Poland], Warszawa 2013.

DECONCENTRATION – in the simplest sense it means dispersing, spreading into different places of something focused. In the systemic sense it means dispersing competences of authorities among different decision centres or institutions. One can differentiate: territorial deconcentration (in cases of dividing competences among decision centres on central, regional, local levels) or substantial deconcentration (regarding dispersing the decision-making competences among a few bodies of the same level). The genesis of the formation of dec. of public administration dates back to mid-19th century, but the real development can be observed from the mid-20th century. The states where dec. can be found include among others: France, Germany, Switzerland, Italy. Dec. can be understood in a dynamic or static sense. Dec. in a dynamic sense means the process of dividing competences. By deconcentrating one understands: transferring competences to lower- or equal-level bodies, which is done by normative act of the law or by a normative act of the authority transferring competences, with the hierarchical superiority of the supervisory bodies within the scope of delegated powers and budgetary dependencies. Dec. in the static sense means the division of competences among particular administrative bodies. A high level of dec. can be observed when the lower-level bodies have a significant scope of competences compared to the supervisory administrative bodies or higher level bodies. The static dec. of public administration can be divided into horizontal (meaning: departmental, substantial, i.e. dispersion of competences in public administration bodies of the same level), vertical (meaning territorial – dispersion of competences from higher-level administration bodies to lower-level administration bodies), and oblique (dispersion of competences from higher-level public administration bodies to lower-level public administration bodies outside the structure of one department). [K.A. Kuć-Czajkowska]

Literature: M. Barański, S. Kantyka, S. Kubas, M. Kuś, *Samorząd terytorialny i wspólnoty lokalne* [Local government and local communities], Warszawa 2007 ■ B. Dolnicki, *Samorząd terytorialny* [Local government], Kraków 2016 ■ W. Zając, *Zasadniczy trójstopniowy podział terytorialny Polski. Komentarz do przepisów* [The basic three-tier territorial division of Poland. A commentary on the rules], Warszawa 1999.

DELIBERATIVE DEMOCRACY – public communication process and consideration of different views, involving the extraction of arguments that lead to the solution to the problem or the establishment of a consensus. It is based on the claim that the essence of democracy is deliberation, which is communication based on argumentation, striving for truth and understanding. The basis for deliberation is to strive for a compromise in these matters. True deliberation should be: free from political influence, open, public and conducted for the common good, not a particular interest, free from coercion, none of its participants can be marginalized or favoured – equality of participants in the deliberation process is assumed, everyone has the same chances of speaking on a specific matter, submitting proposals or arguments. The basic principle is discussion, dialogue and communication on the most important public issues and the openness about the topics discussed in its course. Proponents of deliberation argue that a political decision, in order to obtain legitimacy, does not have to be made as a result of voting, in their opinion it may be the result of a process of argumentation free from violence and coercion. The most popular deliberation techniques include: deliberative survey, citizens' courts, open space technique (open meetings), Charette workshops, citizens' panel, research walk, interactive map. [E. Szulc-Wałecka]

Literature: J. Hebermas, *Faktyczność i obowiązywanie. Teoria dyskursu wobec zagadnień prawa i demokratycznego państwa prawnego* [Factuality and validity. The theory of discourse on the issues of law and the democratic legal state], Warszawa 2005 ■ W. Misztal, *Dialog obywatelski we współczesnej Polsce* [Civil dialogue in contemporary Poland], Lublin 2011.

DEMOCRACY (Greek: *dẽmos* – people, *krátos* – rule, literally – the rule of the people) – it originates from the *polis* of ancient Greece, in this approach d. is a system of government in which the power is exercised by the sovereign – the citizens; depending on the historical period, the concept of democracy can be understood in a different way. This is due to the changing role of citizens and the way of exercising power over the years. Contemporary understanding of d. was formed when in the consciousness of the citizens and in the legal system a category of power and people who exercise it was separated. The basic meanings of d. are as follows: 1. the rule of the people (society); 2. the form of a socio-political system in which the will of the majority of citizens is recognized as the source of power and political rights and freedoms that guarantee the exercise of this power are granted to them; 3. a synonym for political rights and freedoms that determine the equality of citizens before the law; 4. a socio-economic system, whose task is to ensure equal participation of citizens in access to goods and services. D. most often is defined as a socio-political system and a form of exercising power, in which the source of power is the will of the majority of citizens who govern directly or through the representatives chosen in elections. D. should be based on the criteria of: 1. equal access to politics irrespective of sex, race,

religion and beliefs, wealth or education; 2. ability of all citizens to run for positions in bodies constituting the authority; 3. possibility of selecting candidates for public positions in free and fair elections; 4. possibility of associating in political parties and choosing between alternative options; 5. sovereignty of the nation, which means that the supreme power belongs to the community, is inalienable and indivisible; 6. the principle of representation, i.e. delegation of powers by the nation to representatives chosen in elections; 7. responsibility of the rulers before the governed – the creation of specialized institutions of power control to prevent its abuse; 8. division and balance of power; 9. freedom of beliefs and speech; 10. protection of civil rights and their protection against excessive and unjustified interference by the authorities. (→ representative democracy; direct democracy) [E. Szulc-Wałecka]

Literature: M. Gulczyński, *Politologia. Podręcznik akademicki* [Political Science. Academic handbook], Warszawa 2010 ■ R. Markowski, *Demokracja i demokratyczne innowacje. Z teorią w praktykę* [Democracy and democratic innovations. With theory into practice], Warszawa 2014.

DEPARTMENT – an element of the administrative structure, which consists of an organisationally separated set of bodies dealing with a given area of life, a catalogue of homogeneous or related matters. As part of the system, there is a system of bodies and other units forming a part of the administration, and it includes central bodies of government administration, central offices, local government administration bodies, as well as administrative institutions, such as hospitals, universities, administrative offices, consultative and advisory bodies, and state enterprises. At the head of the d. is the supreme body of public administration (→ minister) or the central body of public administration. In countries where tasks are being decentralised and the local government has a strong position, the ministerial structure exists in centralised areas (government administration) and inside other offices, such as municipal or county offices. However, this is not a homogeneous structure due to the lack of subordination between the local government and the government. Therefore, the concept of the → government administration department is more accurate. [A. Jarosz]

Literature: H. Izdebski, M. Kulesza, *Administracja publiczna. Zagadnienia ogólne* [Public administration. General issues], Warszawa 2004 ■ J. Zimmermann, *Prawo administracyjne* [Administrative law], Warszawa 2016 ■ E. Zieliński, *Administracja rządowa i samorządowa w Polsce* [Government and local government administration in Poland], Warszawa 2013.

DEVOLUTION – a specific transfer of power by the central authority to its regional subordinate institutions. The bodies created as a result of devolution form an intermediate level between the central and local authorities. D., however, differs from federalism in that, although territorial jurisdiction may be similar, the bodies created as a result of devolution are not sovereign – their

duties and powers derive from the central authority and are determined by it. In the federal state there is a clear division of competences between the federation and its constituent parts, linked with transferring to the lower level the sovereign authority in clearly defined areas. In case of d. there is no transfer or division of sovereign authority. Administrative d., which is the most limited form, only implies that regional institutions implement policy programmes prepared and approved elsewhere. Legislative d. – sometimes referred to as autonomy – involves the creation of elected regional assemblies with policy-making powers and elements of fiscal independence. Małgorzata Kaczorowska emphasizes that the concept of devolution defines a particular process of decentralization in the United Kingdom, consisting in delegation to a subordinate elected body, carried out according to geographical criteria, of functions previously performed by ministers and the United Kingdom Parliament. As a result of the devolution reform, regional representative assemblies, elected in general elections, were created in Scotland, Wales and Northern Ireland. D. is a process, not a state. It is a process of decentralization and deconcentration of power. It is a dynamic process, not an unchangeable and inflexible state. The essence of d. consists in the fact that in this process the power is delegated, rather than given, since the sovereign United Kingdom Parliament does not renounce its authority at all. David Simpson defines d. as a delegation of central government's power without relinquishing its sovereignty. This allows to retain the right to withdraw the powers delegated by devolution to a regional parliament or assembly at any time. So far, in Polish language, the term d. was usually used to specify the transfer – at the request of a party – of the competences to settle a case from one administrative body to another, usually superior. [J.G. Otto]

Literature: A. Heywood, *Politologia* [Political science], Warszawa 2006 ■ J. Szymanek, M. Kaczorowska, A. Rothert, *Ewolucja, dewolucja, emergencja w systemach politycznych* [Evolution, devolution, emergence in political systems], Warszawa 2007 ■ V. Bogdanor, *Devolution in the United Kingdom*, Oxford 1999.

DIRECT DEMOCRACY – it consists in exercising state power directly by members of the collective subject of sovereignty (citizens of the state, the nation, the people). Historically, it was a political system in which citizens directly and actively participated in making political decisions through the tools offered by this form – Athenian democracy (the terminological distinction between direct and indirect democracy dates to the turn of the 18th and 19th centuries). Nowadays, this form of exercising power by citizens complements the → representative democracy. Institutions of d.d. allow citizens entitled to vote to express the will in the creation of power, as well as deciding on matters of significant importance, i.e. the resolution of a specific decision problem. The conditions that must be met by instruments of d.d. are: the unity of the place and time of the settlement and the possession of political rights during the whole process of making a decision. Tools of d.d. usually have constitutional basis, including:

referendum, people's initiative, people's veto, plebiscite, popular assembly, public consultations and recall (the right to dismiss civil servants coming from general elections). Thanks to the d.d. citizens have the opportunity to express their will in the form of a formal act leading to a specific decision (e.g., a referendum vote) or concretising essential elements of that act (e.g., in a citizens' project – people's initiative). The Polish legal system provides for: a → referendum (nationwide and local), a civic legislative initiative, and a rural meeting. The law also provides for → social consultations, but without decision-making binding power, they are not a form of d.d. A European country with the most rooted tradition and well-established procedures for applying d.d. is Switzerland. In addition, other countries use some forms of d.d., apart from Poland: France, Denmark, Ireland, Italy, and Liechtenstein. (→ participatory democracy, deliberative democracy) [E. Szulc-Wałecka]

Literature: *Demokracja bezpośrednia w samorządzie terytorialnym* [Direct democracy in the local government], ed. M. Marczewska-Rytko, S. Michałowski, Lublin 2012 ■ *Instytucje demokracji bezpośredniej w praktyce* [Institutions of direct democracy in practice], ed. O. Hałub, M. Jabłoński, M. Radajewski, Wrocław 2016 ■ M. Marczewska-Rytko, *Demokracja bezpośrednia w teorii i praktyce politycznej* [Direct democracy in political theory and practice], Lublin 2001.

DISCIPLINARY PROCEEDINGS – statutorily regulated mode of procedure in the event of violation of duties or ethics by a member of a professional group. Disciplinary responsibility applies to persons or professionals, or persons belonging to groups in which special attitude and character is required in the performance of their duties. D.p. is used not instead of criminal proceedings, but beside it. D.p. is regulated separately in statutes concerning particular professional groups, and if there are no such provisions for a given professional group, then the provisions of the Code of Criminal Proceedings are applied, which also include a catalogue of disciplinary penalties. D.p. is conducted before the relevant disciplinary authorities, for example before a disciplinary court, disciplinary board or a supervisor. In addition to the statutorily regulated mode of d.p., there are also other similar forms of disciplinary responsibility, but they do not have such causative power, e.g., there is no possibility to withdraw the right to practice a profession. [E. Zielińska]

Literature: J. Paśnik, *Prawo dyscyplinarne w Polsce* [Disciplinary law in Poland], Warszawa 2000.

DISCRIMINATION BASED ON SEX – a phenomenon mainly affecting women in the public administration under the Civil Rights Act of 1964 passed in the USA, which prohibits discrimination in employment on the basis of race, colour, religion, sex or origin. There are two theories about disc. of women in employment. The first is the theory of differential treatment – it refers to employment rules and decisions that directly discriminate one group of workers

against the other due to race, sex, religion or origin. To prove a case of disc., a woman must prove that she was qualified for the position or that she was prepared to do the job in a way that eliminated the possibility of dismissal based on inadequate preparation for work. The second one – is the theory of differential influence: the claimant must prove that neutral demands and policies towards employees disproportionately affect women and that these requirements or policies are not linked to job preparation. As Marie-France Hirigoyen states, Scandinavian countries and Germany show real concern for equal opportunities for both sexes, in Latin countries there is an atmosphere of male chauvinism. In Italy, Spain and Latin America, there is a belief that women's professional activity causes male unemployment. It is generally believed that men are more objective and independent, women are shown as overly submissive and emotional, and thus men's qualities are preferred in managerial positions. Despite the increase in professional activity of women, in the majority of cases high positions are occupied mainly by men. Although women in democracies are proportionally more represented in public administration than in the economy as a whole, as a rule proportionally more women are employed in civil service requiring a relatively lower skill level. The consequence of this segregation on the labour market can be observed in the gender pay gap – on average in the EU 17.4% to women's disadvantage (2010). The phenomenon of discrimination against women is described in literature by the following terms: "glass ceiling" (a barrier hindering women from reaching high positions in public administration, business or politics), "leaky pipeline" (a small number of women in higher positions and promotion levels caused by the fact that women's talents "leak out" as they go through successive levels of their career, so the higher in the hierarchy, the less women), "sticky floor" (consists in assigning women to a certain group of less prestigious and less paid professions), "queen of bees syndrome" (a phenomenon in which women holding top positions do not support other women). In the case of men, the phenomenon of discrimination is described by the term "glass cellar" – an American sociologist Warren Farrell, the author of the book *The Myth of Male Power* (1993), was the first one to use the term. It means that the employee has no chance not only for promotion, but also for improving his situation, because the work he does is so low-paid and of such low social prestige that it closes his chance of climbing higher up the social ladder – e.g., these are dangerous, low-paid jobs, not very popular and lowest-ranked occupations (garbage workers, sewage treatment plant workers, exterminators, truck drivers). Employees are blocked from access to paternity leave, punished for taking days off due to child's illness and released from work for the desire to stay with the child during the first months after birth. [J. Itrich-Drabarek]

Literature: K.T. Barlett, *Gender and law: theory, doctrine and commentary,* New York 1998 ■ R.J. Edelmann, *Konflikty w pracy* [Conflict at work], Gdańsk 2002 ■ M.F. Hirygoyen, *Molestowanie moralne* [Moral harassment], Poznań 2002.

DISSOLUTION OF A DECISION-MAKING BODY – a manner of ending the → term of office of the representative body (constituting, legislative and control). The term of office may end after the period provided for by law (which is a standard termination of the body's powers, e.g., after four years) or as a result of its termination in situations provided for by law and as a result of actions of entities authorized by the law. The Constitution of the Republic of Poland provides for the possibility of early termination of the → Sejm's term (institution of shortening the term of office). Such a situation may occur either as a result of the action of the chamber itself (resolution adopted by a 2/3 majority of votes of the statutory number of deputies) or the actions of the President of the Republic of Poland (in the case of: failure of the parliament to adopt a budget act on a given date or failure to appoint a council of ministers enjoying the trust of the chamber of deputies). Shortening the Sejm's term of office means simultaneously shortening the Senate's term of office. The Constitution also provides for the possibility for the members of the local-government community to decide in a referendum on matters concerning this community, including the dismissal of the local-government body coming from the direct elections. In the county and the voivodship self-government, this applies to the council and the sejmik, respectively. Since 2002, in the municipality, this may refer to both the decision-making and control body as well as the executive body: the village mayor/mayor/president of the city (previously the executive body was made of the board and the village mayor/mayor/president of the city and it did not come from direct elections). The dismissal of the constituting body of the local-government unit before the end of the term of office can only be resolved in the → referendum, at the request of residents (at least 10% of residents of the municipality or county authorized to vote, and in the case of voivodships – at least 5%). Since 2006, a principle has been in force that the effectiveness of voting on the recall depends on the fact that no less than 3/5 of the number of voters participating in the selection of the recalling body (by that time – attendance at a minimum level of 30%) takes part in the referendum voting. Such a decision concerning a local-government unit may also be made due to repeated violations of the constitution or statutes – then the President of the Council of Ministers applies a supervision measure in the form of an application to the parliament for the dissolution of the local-government body. In the case of dissolution of the municipal council, the executive body is still functioning, and in the event of the dissolution of the county council and the voivodship sejmik, the board is also dissolved. [T. Słomka]

Literature: M. Rachwał, *Demokracja bezpośrednia w procesie kształtowania się społeczeństwa obywatelskiego w Polsce* [Direct democracy in the process of shaping civil society in Poland], Warszawa 2010 ■ T. Włodek, *Instytucja rozwiązania parlamentu w polskim prawie konstytucyjnym* [Institution of dissolution of the parliament in the Polish constitutional law], Warszawa 2009.

DISTIRCT – an auxiliary unit of a municipal (urban) local-government unit created on the basis of the act on municipal self-government (→ municipality's auxiliary unit). D. is created by the municipality council through adopting a resolution, after consultation with residents or on their initiative. The rules for creating, merging, dividing and abolishing an auxiliary unit are defined in the municipality's statute. The organisation and scope of activity of the d. is determined by the municipality council in a separate statute, after consultations with residents. In the d. under the statute, subordinate auxiliary units may be set up. The d. statute states the name and area, the rules and mode of election of bodies, organisation and tasks, the scope of tasks transferred by the municipality and the manner of their implementation, the scope and form of control and supervision by the municipality bodies over the activities of the bodies of the d. The resolution-making body in the d. is the → district council, the executive body is the → district board with the → district mayor as its head. The law does not enumerate the tasks and competences of the bodies acting in the d. The tasks result from the definition of the scope of activities of the board and the use of municipal property and the disposal of income from this source, in the scope determined in the statute. The statute determines the scope of activities that the d. authorities can perform independently, within the scope of their property. This provision applies accordingly to a subordinate unit. [B. Marczewska]

Literature: H. Izdebski, *Samorząd terytorialny. Podstawy ustroju i działalności* [Local government. The fundamentals of the system and activity], Warszawa 2014 ■ H. Izdebski, M. Kulesza, *Administracja publiczna: zagadnienia ogólne* [Public administration: general issues], Warszawa 2004.

DISTRICT BOARD – executive body of a district as an → auxiliary unit. D.b. is indirectly elected – by district councillors. The board is composed of the district mayor and his/her deputies. A case of the d.b. in the c.c. of Warsaw will be discussed. The election of the district mayor [d.m.] is held by secret ballot, by the absolute majority of votes. The deputies are selected at the mayor's request, by a simple majority of votes, by secret ballot. If, within 30 days from the first meeting of the d. council, the board is not elected, the president of Warsaw, no later than within 14 days from the expiry of that time limit, has the right to appoint the d.b., including the d.m. The d.m. can be removed from office at the request of the president or at the request of at least 1/4 of the statutory composition of the d.c., by an absolute majority of votes, by secret ballot. The removal of the d.m. is equivalent to the removal of the whole d.b. The d.c. can remove a deputy of d.m. at the request of the d.m., the president or at the request of at least 1/4 of the statutory composition of the d.c. by a simple majority, by secret ballot. The competences of the d.b. include in particular: preparation of draft resolutions of d.c., execution of city council resolutions and rulings of the d.c.; representation of the d. outside; directing current affairs of the d.; management of municipal property entrusted to the d. on the basis of the orders of the president

of Warsaw; running the district's financial economy based on district attachment to the budget; exercising supervision over the organisational units of the city located in the district and not being allocated to the entities of the importance beyond one district by the resolution of the city council. The d. board, by way of a resolution, is obliged to define the division of its tasks among its members. The d.m. or his/her deputies are obliged to participate in the district council's sessions. The d.m. directs the work of the d.b. and represents the d. outside. The sessions of the d.b. are called by the d.m. or his/her designated deputy, by setting the date and agenda of the meeting and informing about them the other deputies. The meetings are chaired by the d.m. or, in his absence, the designated deputy. The meetings of the d.b. are valid when at least half of the board's members are present. The d.b. expresses its will in the form of resolutions. Resolutions are signed by the d.m. (or his/her deputy if he/she presides over the meeting). The d.b. performs its tasks with the help of the district office. [J. Wojnicki]

Literature: S. Faliński, *Warszawski samorząd terytorialny w latach 1990–2002: geneza, ustrój, idee ustrojowe, aktywność* [Warsaw local government in years 1990–2002: genesis, system, systemic ideas, and activity], Warszawa 2013 ■ M. Kulesza, *Budowanie samorządu* [Building local government], Warszawa 2008 ■ M. Niziołek, *Problemy ustroju aglomeracji miejskich* [Problems of the system of urban agglomerations], Warszawa 2008.

DISTRICT COUNCIL – is a decision-making and control body of a district as an auxiliary unit, comes from the universal, equal, and direct election conducted by secret ballot, its jurisdiction is determined by the statute of the city and the statute of the district. The presented competences are those of a district council in the Capital City of Warsaw. The competences of a d.c. include issuing opinions on the draft resolutions of the city council concerning: the adoption of the statute of the c.c. of Warsaw and the statute of a d. as well as their changes, and also the drafts of the city council resolutions in the part concerning the d.: study of the conditions and directions of urban development of the city; beginning of the preparation and approval of local spatial development plans; urban development programs; creating, merging, dividing and dissolving neighbourhoods and changing their borders; drafting district attachments to the city budget; the scope of the activity of the d., the rules of transferring to the d. the components of the property to use and the principles of transferring budget funds for the implementation of the tasks performed by the d., coat of arms and city colours, coat of arms of the d.; the names of streets and squares being public roads, the names of internal roads and the erection of monuments regarding the area of the d.; cooperation programmes with non-governmental organisations. D.c.'s competences also include: the creation, merger, division and liquidation of subordinate units in the d., definition of their boundaries, organisation and scope of their activity; election and dismissal of the d. mayor and other members of the d. board; adoption of reports on the activities of the d. board; election and dismissal of the

chairman and vice-chairmen of the d. council; creation of permanent or ad hoc committees of the d. council and appointment of their members; applying to the city council with requests for the delegation to the d. of the tasks and powers of the city; holding positions, expressing opinions and submitting motions in matters of relevance to the d.; establishing the council of d. seniors and its statute. The d.c. may take the initiative of adopting a resolution or position by the city council; it exercises control functions in relation to the activity of the d. board (especially in the case of executing resolutions of the d.c. by the district board). [J. Wojnicki]

Literature: S. Faliński, *Warszawski samorząd terytorialny w latach 1990–2002: geneza, ustrój, idee ustrojowe, aktywność* [Warsaw local government in years 1990–2002: genesis, system, systemic ideas, and activity], Warszawa 2013 ■ M. Kulesza, *Budowanie samorządu* [Building local government], Warszawa 2008 ■ M. Niziołek, *Problemy ustroju aglomeracji miejskich* [Problems of the system of urban agglomerations], Warszawa 2008.

DISTRICT MAYOR – is the chairman of the collegiate board – the executive body of the auxiliary unit of the urban municipality → a district (d.), which consists of the district mayor and his deputies. The discussed case relates to a d.m. in the Capital City of Warsaw. The selection of the d.m. is made by the district board in a secret ballot, by an absolute majority of votes, the deputies of the d.m. are selected from his appointees by a simple majority of votes, in a secret ballot. If, within 30 days from the first meeting of the d. council, the d. board is not elected, the president of Warsaw – not later than within 14 days of the expiry of that deadline – has the right to appoint the d. board, including the d.m. The d.m. can be dismissed at the request of the president of the city or at the request of at least 1/4 of the statutory composition of the d. council, by an absolute majority of votes, in a secret ballot. The dismissal of the d.m. is equivalent to dismissing the entire d. board. The d. council may dismiss the deputy d.m. at the request of the d.m., the president or at the request of at least 1/4 of the statutory composition of the d. council by a simple majority in a secret ballot. The d.m. or his deputies are obliged to participate in the sessions of the d. council. D.m. directs the work of the d. board and represents the board outside. Meetings of the d. board are called by the mayor or the designated deputy, setting the date and the agenda of the meeting and notifying the deputy d.m. The m. chairs the meetings of the d. board or in his absence, the designated deputy. The resolutions of the d. board are signed by the d.m. or his deputy if he chairs the meeting. The d.m. and his deputies carry out their tasks with the help of the district office. (→ municipality's auxiliary unit) [J. Wojnicki]

Literature: S. Faliński, *Warszawski samorząd terytorialny w latach 1990–2002: geneza, ustrój, idee ustrojowe, aktywność* [Warsaw local government in years 1990–2002: genesis, system, systemic ideas, and activity], Warszawa 2013 ■ M. Kulesza, *Budowanie samorządu* [Building local government], Warszawa 2008 ■ M. Niziołek, *Problemy ustroju aglomeracji miejskich* [Problems of the system of urban agglomerations], Warszawa 2008.

E

ECONOMIC SELF-GOVERNMENT – non-territorial, public-law compulsory unions existing as economic unions. A strictly defined area of economic activity of a certain group of people who, in an organised and authoritative manner, perform the decentralized part of the public administration on a par with the organs of local government, is subject to their impact. Based on these assumptions, any activity which is limited to advisory functions in public affairs or solely to the replacement of the interests of certain groups of entrepreneurs, should be excluded from the scope of e.s.g. The confusion between self-government entities having a certain administrative authority with associations operating in the sphere of economy is an undesirable tendency, introducing organisational and competence confusion, which in effect can lead to the disavow of the idea of e.s.g. The potential of e.s.g. lies in its public-law character. It should thus be a democratically elected, universal and possibly apolitical representation of the entrepreneurial community, a partner of both the government administration and the local government. So defined e.s.g. must fulfil two types of tasks: 1. those entrusted clearly by the state, i.e. by laws and regulations, within which it appears on behalf of the state and cooperates with government and local-government authorities; 2. those consisting in independent support and satisfaction of the interest of a given economic group, including the freedom of action and the right to independent decision, as well as the right to self-determination of norms within the statutory limits. The institutions of e.s.g. primarily include chambers of industry and commerce, craft, and agriculture. These organisations have a scope of tasks defined by law that are performed self-sufficiently and independently from other public administration entities. The scope of these tasks is a measure of the decentralization of state administration in the economic sphere; it is also an expression of the state's confidence in the obligation of civic participation in the chambers, as well as the belief that it is more competent in local economy matters than government administration officials. [R. Kmieciak]

Literature: R. Kmieciak, *Samorząd gospodarczy w Polsce. Rozważania na temat modelu ustrojowego* [Economic self-government in Poland. Reflections on the systemic model], Poznań 2004 ■ R. Kmieciak, P. Antkowiak, K. Walkowiak, *Samorząd gospodarczy i zawodowy w systemie politycznym Polski* [Economic and professional self-government in the political system of Poland], Warszawa 2012 ■ R. Kmieciak, P. Antkowiak, A. Jaskulski, *Pożądany kierunek zmian modelu samorządu gospodarczego w Polsce. Rozważania na podstawie projektu ustawy o izbach przemysłowo-handlowych* [The desired direction of changes in the economic self-government model in Poland. Considerations based on the draft law on chambers of industry and commerce], Warszawa–Poznań 2016.

EFFECTIVENESS – the degree of accomplishment of the objectives (effects), i.e. the extent to which the planned effects are achieved in the planned time. These effects can be planned actions (for example, organising a sporting event), products (e.g., foreign language lessons), services (e.g., renting bicycles) or results (e.g., level of foreign language knowledge among residents). E. in praxeological terms is the basic virtue of effective action. Effective action in the praxeological sense is the action that brings us closer to reaching a certain goal. In the public value management system, e. refers to a product-result relationship and refers to the degree to which the results are being achieved and indicates whether the products delivered contribute to the achievement of priorities and objectives. E. can be considered in operational and strategic terms. In the case of public sector units, e. in operational terms means the degree of achievement of objectives in the financial year. In turn, e. in strategic terms is the degree of implementation of long-term objectives of public policies or the degree of implementation of development needs of a given community. The measures of e. are indicators of the degree of achievement of objectives (effects actually achieved/planned effects) as well as indicators which are the relation of results to products (for example: percentage of pupils who after three years of learning English acquired language skills at level B1). [T. Strąk]

Literature: W. Kowal, *Skuteczność i efektywność – zróżnicowanie i aspekty interpretacji* [Effectiveness and efficiency – diversity and aspects of interpretation], "Organizacja i Kierowanie" 2013, no. 4 (157) ■ P. Modzelewski, *System zarządzania jakością a skuteczność i efektywność administracji samorządowej* [Quality management system and effectiveness and efficiency of local government administration], Warszawa 2009 ■ T. Strąk, *Modele dokonań jednostek sektora finansów publicznych* [Models of achievements of public finance sector entities], Warszawa 2012.

EFFICIENCY – means the best achievable results from the given expenditures. In economics, the widely recognized definition of e. was formulated by Vilfredo Pareto – in his view this is such allocation of production factors that it is impossible to increase the production of one good without reducing the production of another good. The measure of e. in this approach is the distance between the relation of products to expenditures for the analysed unit and the relations between products and expenditures which form a set of the best possible combinations. E. therefore refers to the relation: products/expenditures (i.e. to productivity) or costs (expenses)/products (i.e. to the unit cost). E. defined in this way is known as the total e., also called economic e. or cost e., which consists of e. of allocation of expenditures and total technical e., including clean technical e and e. of the scale. E. has both quantitative and qualitative dimensions, which includes such parameters as service costs, reaction time, error rates and improperly performed public services, availability of services and satisfaction of citizens with the service. E. is also a fundamental praxeological category. The principle of e. action in praxeological terms can be expressed in two different forms: the

principle of productivity and the principle of savings. The application of the productivity principle means that the more effective the activity is, the more effects are achieved with specific incurred expenditures. Applying the savings principle means that the action is more effective, the smaller the amount of expenditures required to achieve certain results. [T. Strąk]

Literature: P. Modzelewski, *System zarządzania jakością a skuteczność i efektywność administracji samorządowej* [Quality management system and effectiveness and efficiency of local government administration], Warszawa 2009 ■ J.E. Stiglitz, *Ekonomia sektora publicznego* [The public sector economy], Warszawa 2004 ■ T. Strąk, *Modele dokonań jednostek sektora finansów publicznych* [Models of achievements of public finance sector entities], Warszawa 2012.

ELECTIONS TO COUNTY COUNCIL – they are universal, equal, direct and are conducted by secret ballot, as part of local-government elections, administered by the President of the Council of Ministers not earlier than four months and no later than three months before the term of office of the councils expires. The number of councillors elected to c.c. is determined, separately for each council, by the voivode, after consultation with the voivodship electoral commissioner. The number of councillors for each c.c. is based on the number of residents residing in the area of activity of the council, included in the permanent register of voters, at the end of the year preceding the election year. If in the electoral district in the election to the c.c. the registered number of candidates is equal to or less than the number of mandates in a given electoral district – elections are not held and the nominated candidates become councillors by the decision of the county electoral commission. In each electoral district created for the election of the c.c., three to ten councillors are elected. Elections to c.c. are conducted, under the supervision of the State Electoral Commission and electoral commissioners, by the county and the local electoral commissions. The lists of candidates, separately for each electoral district, are to be submitted to the county electoral commission no later than on the 40th day before the day of election by midnight. Voting is conducted between 7am and 21pm on a non-working day. The results of the elections are announced publicly by the county electoral commission, as soon as possible. In elections for councillors – in the elections to the council in the city with county rights and in the elections to c.c. – the proportional method of counting votes using the d'Hondt system is used. In cities with county rights, in districts of Warsaw, and in elections to the c.c., a blocking clause (the so-called electoral threshold) is used – 5% of validly cast votes. Election protests should be submitted in writing to the competent district court within 14 days from the election day. The district court decides on the validity of the election of the local government body and of the election of individual councillors simultaneously with considering the election protest. [J. Wojnicki]

Literature: Z. Bukowski, T. Jędrzejewski, P. Rączka, *Ustrój samorządu terytorialnego* [The system of local government], Toruń 2013 ■ K.W. Czaplicki et al., *Kodeks wyborczy. Komentarz* [Electoral Code. A commentary], Warszawa 2014.

ELECTIONS TO MUNICIPALITY COUNCIL – they are universal, equal, direct and are conducted by secret ballot, as part of local-government elections, administered by the President of the Council of Ministers every four years, not earlier than four months and no later than three months before the term of office of the councils expires. The number of councillors elected to municipality councils (mun.c.) is determined, separately for each municipality, by the voivode, after consultation with the voivodship electoral commissioner. The number of councillors for each mun.c. is based on the number of residents residing in the area of activity of the council, included in the permanent register of voters, at the end of the year preceding the election year. If in the electoral district in the election to the m.c. the registered number of candidates is equal to or less than the number of mandates in a given electoral district – elections are not held and the nominated candidates become councillors by the decision of the municipal electoral commission. In each electoral district formed for the election of a council in a municipality that is not a city with county rights, one councillor is elected. In the city with county rights, electoral districts are created in which five to ten councillors are elected. Elections to m.c. are conducted by – under the supervision of the State Electoral Commission and electoral commissioners – the municipal and the local electoral commissions. The lists of candidates, separately for each electoral district, are to be submitted to the municipal electoral commission no later than on the 40th day before the day of election by midnight. Voting is conducted between 7am and 21pm on a non-working day, in case of election of the village mayor/mayor/president of the city it is possible to conduct another vote (the so-called second round) 14 days after the first vote within the same hours. The results of the elections are announced publicly by the municipal electoral commission, as soon as possible. For determining the elected councillors in the elections of a council in a municipality that is not a city with county rights, the majority of votes is used – candidates with the highest number of votes are mandated. In elections for the council in the city with county rights, the proportional method of counting votes using the d'Hondt system is used. In cities with county rights and in districts of Warsaw, a blocking clause (the so-called electoral threshold) is used – 5% of validly cast votes. Election protests should be submitted in writing to the competent district court within 14 days from the election day. The district court decides on the validity of the election of the local government body and of the election of individual councillors simultaneously with considering the election protest. [J. Wojnicki]

Literature: Z. Bukowski, T. Jędrzejewski, P. Rączka, *Ustrój samorządu terytorialnego* [The system of local government], Toruń 2013 ■ K.W. Czaplicki et al., *Kodeks wyborczy. Komentarz* [Electoral Code. A commentary], Warszawa 2014.

ELECTIONS TO VOIVODSHIP SEJMIK – they are universal, equal, direct and are conducted by secret ballot, as part of local-government elections of members of bodies forming local-government units, administered by the President of

the Council of Ministers not earlier than four months and no later than three months before the term of office of the councils expires. The number of councillors elected to v.s. is determined, separately for each voivodship, by the voivode, after consultation with the voivodship electoral commissioner. The number of councillors for each v.s. is based on the number of residents residing in the area of activity of the council, included in the permanent register of voters, at the end of the year preceding the election year. If in the electoral district in the election to the v.s. the registered number of candidates is equal to or less than the number of mandates in a given electoral district – elections are not held and the nominated candidates become councillors by the decision of the voivodship electoral commission. In each electoral district created for the election of v.s., five to fifteen councillors are elected. Elections to v.s. are conducted – under the supervision of the State Electoral Commission and electoral commissioners – by the voivodship, county and local electoral commissions. The lists of candidates, separately for each electoral district, are to be submitted to the voivodship electoral commission no later than on the 40th day before the day of election by midnight. Voting is conducted between 7am and 21pm on a non-working day. The results of the elections are announced publicly by the voivodship electoral commission, as soon as possible. In elections for councillors – in the elections to the v.s., the proportional method of counting votes using the d'Hondt system is used. In elections to the v.s. a blocking clause (the so-called electoral threshold) is used – 5% of validly cast votes. Election protests should be submitted in writing to the competent district court within 14 days from the election day. The district court decides on the validity of the election of the local government body and of the election of individual councillors simultaneously with considering the election protest. [J. Wojnicki]

Literature: Z. Bukowski, T. Jędrzejewski, P. Rączka, *Ustrój samorządu terytorialnego* [The system of local government], Toruń 2013 ■ K.W. Czaplicki et al., *Kodeks wyborczy. Komentarz* [Electoral Code. A commentary], Warszawa 2014.

ELECTRONIC PLATFORM OF PUBLIC ADMINISTRATION SERVICES (ePUAP) – a teleinformatic platform for standardised communication between citizens and units (entities) forming the system of public administration in Poland. The legal definition was set out in the Act of 2005 that established ePUAP and states that it is a teleinformatic system in which public institutions provide services via a single access point on the Internet. The ePUAP platform was built in 2006–2008 as part of the ePUAP-WKP project, which was implemented to provide citizens with services provided via the Internet by public administration units. ePUAP gives public institutions the ability to provide services electronically. The platform provides them with the necessary IT infrastructure for further public services. The minister competent for computerization ensures the functioning of the ePUAP, publishes ePUAP information on the addresses of the electronic distribution boxes made available by public entities

and manages the personal data of the users of the platform. ePUAP provides a directory containing information about services, in particular: the legal basis of the service, its name, purpose and recipients of the service, its category, and the name and location of the service provider according to the administrative division of the country. Public entities may use the following ePUAP functions to provide electronic services: creation and maintenance of electronic documents by individuals and entities; sending electronic documents; data sharing between ePUAP and other ICT systems; identification of users and accountability of their activities; verification of electronic signature; creation of services of a public entity or of services of several public entities working together on the basis of two or more services; servicing electronic payments; confirming a trusted ePUAP profile; verification of compliance of the electronic document with its design as defined in the central repository of samples of electronic documents; issuing: official certification of receipt, electronic payment confirmation, electronic time stamp – taking into account the functionality of the ePUAP guaranteeing the indisputability of these credentials. Using the ePUAP platform requires setting up an account. [K. Mroczka]

Literature: *Elektroniczna Platforma Usług Administracji Publicznej ePUAP. Geneza projektów* [Electronic Platform of Public Administration Services ePUAP. The genesis of projects], [online] http://www.kpi.uksw.edu.pl/sites/default/files/ePUAP_geneza_projektow.pdf [access: September 2017] ■ M. Matuszewska-Maroń, K. Oskory, *Platforma ePUAP krok po kroku* [ePUAP Platform step by step], "E-mentor" 2012, no. 3.

EMIGRATION POLICY – activity of state authorities covering matters related to the foreign travels of its citizens or persons permanently residing on the territory of a given country. In the European Union, a person's right to freely choose where to live is now recognized as one of the key privileges of its citizens. Purpose of e.p. is to manage spatial population movements so as to prevent depopulation of part of a territory of a given country. Moderate departures from overcrowded areas have a beneficial effect on the population structure. Massive, spontaneous departures lead to a disruption of the population structure and to the depopulation of entire areas. In the second decade of the 21st century, the EU resumed work on issues related to e.p. This resulted in draft regulations related to tax on emigration. The emigration of an educated citizen of working age means a loss to society and the economy of the state. Compensation can occur through the transfer of earnings to the country of origin, arrivals of immigrants from other countries or an increase in the number of births. Among modern mass emigration one should mention post-accession travels of Polish, Romanian and Bulgarian citizens to the western part of the EU. [P. Hut]

Literature: J. Balicki, E. Frątczak, Ch. B. Nam, *Mechanizmy przemian ludnościowych. Globalna polityka ludnościowa* [Mechanisms of population change. Global population policy], Warsaw 2003 ■ P. Hut, *Migracja i pojęcia pokrewne*, [in:] *W kręgu pojęć i zagadnień współczesnej polityki społecznej* [Migration and related concepts [in:] In the concepts and

issues of contemporary social policy], edited by B. Rysz-Kowalczyk, B. Szatur-Jaworska, Warsaw 2016 ■ A. Maryański, *Migracje w świecie* [Migration in the world], Warsaw 1984.

ENTRUSTED TASKS – public tasks transferred by government administration or local-government units to other entities. This may include: 1. entrusting tasks within public administration – e.g., tasks of government administration to local-government administration entities (municipalities, counties), 2. entrusting tasks to entities outside public administration – e.g., business partners or non-governmental organisations, 3. entrusting tasks by one local-government entity to another – for example, counties to municipalities. These tasks are transferred by means of an individual act of a public-legal nature (e.g., concession, administrative agreement) or private law (contract). One of the elements of transferring tasks is also an agreement on the financing of the task. The transferring authority may entrust only such a task to which it has competence and may delegate it to such an entity that will have the competence and ability to carry it out. The accepting entity must give its consent to perform the task, and the rules of its implementation and enforcement should be determined by the concluded agreement. The entity entrusting the task can contract it (e.g., certain services) and pay for it, it can also give a grant for financing or co-financing a given task. In the selection of partners from the outside of the public sector, the public procurement procedure or competition mode is used, so that entities interested in undertaking the task have equal chance of receiving it (along with the possibility of obtaining benefits in this way) and that the principles of fair competition are respected. A special form of entrusting tasks is a → public-private partnership, which, for example, allows the necessary investments to be made using the resources held by private partners, while allowing them to earn a profit. The public-law responsibility for the performed task is borne by the public commissioning entity, private or social entity is liable under civil law. (→public tasks) [A. Jarosz]

Literature: H. Izdebski, *Samorząd terytorialny. Podstawy ustroju i działalności* [Local government. The fundamentals of the system and activity], Warszawa 2009 ■ E. Ura, *Prawo administracyjne* [Administrative law], Warszawa 2010 ■ J. Zimmermann, *Prawo administracyjne* [Administrative law], Warszawa 2016.

ENVIRONMENTAL PROTECTION – all rules, procedures and actions taken by the state bodies and private persons that aim at broadly understood protection of natural resources that includes generally four groups of goals: 1. maintaining the current state of the environment and, where possible, reversing its degradation; 2. prevention of damage to natural resources (fauna, flora and landscape); 3. actions aimed at repairing already made damages and devastations; 4. undertakings aimed at preventing, reducing or eliminating the risk of such damages. Within the environmental protection all actions are promoted (on global, regional, state and local levels) that aim at more effective, economical use of the natural resources that take into account the principle of sustainable

development that is the socio-economic development which does not disturb the balance of nature and favours the survival of its resources. In 1992 in Rio de Janeiro the so-called Earth Summit had taken place – The United Nations Conference on Environment and Development – during which the principles of sustainable development, among others, were formed. The most important of them are: everyone has the right to healthy and creative life in harmony with nature; the right to development must be realised in a way that fairly links the developmental and environmental needs of current and future generations; achieving sustainable development requires that environmental protection be an integral part of this process, and states should contribute to sustainable development by streamlining technological processes, as well as the transfer of new, environmentally sound technologies. [M. Kaczorowska]

Literature: J. Boć, K. Nowacki, E. Samborska-Boć, *Ochrona środowiska* [Environmental protection], Wrocław 2008 ■ M. Górski et al., *Prawo ochrony środowiska. Komentarz* [Environmental law. A commentary], Warszawa 2014 ■ J.W. Tkaczyński, *Prawo i polityka ochrony środowiska naturalnego Unii Europejskiej: analiza porównawcza Polski i Niemiec ze spisem unijnych aktów prawnych* [The law and politics of environmental protection of the European Union: comparative analysis of Poland and Germany with a census of the EU legal acts], Warszawa 2009.

ePUAP → ELECTRONIC PLATFORM OF PUBLIC ADMINISTRATION SERVICES

EUROPEAN ADMINISTRATION – it is the totality of institutions and bodies (consisting of national and EU components); at the same time, it is a system of complex and interrelated and organisational, competence and procedural links between the EU administration and the administrations of the member states. E.a. is dualistic – it consists of two types of structures: indirect administration (i.e. national administration structures involved in European cooperation) and direct administration (→ EU administration). The E.a. is based on the principle of decentralization, assuming a lack of hierarchical subordination of the national bodies to the Union bodies. Cooperation among the administration bodies of the member states and among the bodies of the E.a. of particular states and the institutions and bodies of the EU is of great importance. Relevant provisions in this area are contained in the EU law. On the basis of the EU Treaty, in accordance with the principle of loyal cooperation, the Union and the member states mutually respect and support each other in carrying out their tasks under the Treaties. Member states should take all general or specific measures necessary to ensure the fulfilment of their obligations under the Treaties or acts of the institutions of the Union. [K. Tomaszewski]

Literature: *Administracja publiczna. Wyzwania w dobie integracji europejskiej* [Public administration. Challenges in the era of European integration], ed. J. Czaputowicz, Warszawa 2008 ■ *Europeizacja administracji publicznej* [Europeanisation of public

administration], ed. I. Lipowicz, Warszawa 2008 ■ R. Hauser, A. Wróbel, Z. Niewiadomski, *Europeizacja prawa administracyjnego. System Prawa Administracyjnego* [Europeanisation of administrative law. System of Administrative Law], vol. 3, Warszawa 2014.

EUROPEAN AFFAIRS COMMITTEE (EAC) – the decision-making body in the coordination system of Polish European policy, it is acting from 1st January 2010. It is composed of: as the president – the minister responsible for Poland's membership in the EU represented by the → secretary of state for European affairs (secretary of state at the ministry of foreign affairs), members of the Council of Ministers (who may be represented by their deputies in the rank of secretary of state or undersecretary of state), head of the Chancellery of the President of the Council of Ministers (who may be represented by the designated secretary or undersecretary of state in the Chancellery of the President of Council of Ministers) and the President of the General Counsel to the Republic of Poland (Prokuratoria Generalna RP) (or a designated vice-president of the General Counsel). The President of the Council of Ministers can also take part in the meetings of the Committee, in which case he/she becomes the president of the EAC. Representatives of other institutions are also invited to the meetings of EAC and take part in its activities, however, they participate without the right make decisions. The EAC has no competence and acts on the basis of the mandates given by the Council of Ministers. They can be catalogued in two groups: deciding and settling. The first catalogue of competences allows members of the EAC to resolve issues such as: the instructions for the EU Council meetings, the meetings of Permanent Representatives of COREPER I and COREPER II, and the reports of those meetings; information on the position of the Republic of Poland in the meetings of the European Council and the results of those meetings; draft initiatives and positions on issues related to functioning and policies of the EU; positions on the EU documents subject to consultations with member states and their assessments formulated by the competent institutions or other EU bodies; the positions of the government of the Republic of Poland on legislative acts and non-legislative documents of the EU; assumptions for the projects of responses to the European Commission in matters related to violation of law by Poland; assumptions for the positions of the Republic of Poland in proceedings before the EU's judicial bodies; the level of preparation of the government administration to perform tasks resulting from the membership of the Republic of Poland in the EU; issues of informing the public about the processes of European integration and Poland's membership in the EU; information on the use by the Republic of Poland of the financial support mechanisms of the EU and member states of the European Free Trade Association (EFTA); documents related to the coordination of the implementation of the EU law to the Polish legal system, the cooperation of the Council of Ministers with the Sejm and the Senate on matters related to Poland's membership in the EU and documents related to the preparation and handling of the Polish Presidency of the EU

Council; decisions concerning the approval of candidates for the positions of national experts in the EU institutions. In addition, members of the EAC, in line with the competences of the second catalogue, settle: issues related to drafts of legislative proposals transposing the EU law into the Polish legal system as well as drafts of such acts themselves; the position of the Republic of Poland on drafts of international agreements establishing the EU or agreements defining the rules of their operation; position of the Republic of Poland presented in the European Council; complaints addressed to the EU's judicial bodies on behalf of the Republic of Poland; strategic documents concerning the activity of the Republic of Poland within the EU. The sessions of the EAC are preceded by meetings of the EAC work team. The secretary who is also the Director of the Department of the European Affairs Committee is responsible for the work of the EAC, within which he performs his tasks. EAC meetings take place on a regular basis once a week. [T. Kownacki]

Literature: R. Michalska-Badziak, E. Olejniczak-Szałowska, B. Jaworska-Dębska, M. Stahl (scientific eds.), Z. Duniewska, *Prawo administracyjne. Pojęcia, instytucje, zasady w teorii i orzecznictwie* [Administrative law. Concepts, institutions, principles in theory and jurisprudence], Warszawa 2016.

EUROPEAN CHARTER OF LOCAL SELF-GOVERNMENT (ECLSG) – is a specific pattern of the territorial self-government system of the Council of Europe member states, was adopted on 15th October 1985 in Strasbourg by the Standing Conference of European Municipalities and Regions at the Council of Europe. The document came into force on 1st September 1988. ECLSG was accepted in all 47 countries associated in the CoE. Poland ratified it in 1993. One of the momentous effects of the emergence of ECLSG was to include in it the definition of local government: "Local self-government denotes the right and the ability of local authorities, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population." It should be emphasized that this definition understands the local government both in terms of formal ("law") and material ("real ability") categories. ECLSG treats the right of municipalities to self-government as a fundamental right. The ECLSG preamble expresses the conviction that → local communities are one of the foundations of the democratic system. The document also points out that the right of citizens to participate in the management of public affairs is part of the democratic principles common to all member states of the Council of Europe and can be fully implemented at the local level. Hence, the emphasis in the ECLSG preamble on the need to protect the independence of the local authorities, to strengthen it, and build state regimes based on the principle of decentralization of power. The creators of ECLSG noticed the need to strengthen the autonomy of self-government in the legal systems of the member states in the most significant way possible. Hence the regulation contained in the document that the subjectivity

of local self-government should be recognized, if possible, by the constitutions. [S. Mazur]

Literature: *European Charter of Local Self-Government and Explanatory Report*, Council of Europe 2010 ■ C.M.G. Himsworth, *The European Charter of Local Self-Government: A Treaty for Local Democracy*, Edinburgh 2015.

EUROPEAN CHARTER OF REGIONAL SELF-GOVERNMENT (ECRSG) – a specific constitution of European regions that defines their status, organisation and operation. It was accepted at the IV session of the Congress of Local and Regional Authorities of the Council of Europe on June 3–5, 1997 in Strasbourg. The ECRSG defines the constitutional rules of local-government regional authorities, their goals and mechanisms of action. The most important provisions expressed in it include those related to the following areas: strengthening cooperation among member states in order to realize the principles of respect for human rights and democracy; implementation of citizens' right to participate in directing of public affairs; implementation of the principle of subsidiarity and actions aimed at building the position of the region as an essential element of the state in the system of territorial democracy and satisfying the needs of citizens. The main objective of the ECRSG is to seek common regional elements existing in various countries, while maintaining differences regarding detailed systemic solutions. The → region has been recognized as the level of authority for which the principle of subsidiarity should be applied, with the simultaneous protection of local self-government. Therefore, the ECRSG directly refers to the → European Charter of Local Self-Government and clearly emphasizes the mutual complementation of both acts. As a basis, the ECRSG recognizes the principle of regional self-governance, which should be recognized in the constitutions of states to the widest extent possible. The definition of regional self-government was included in ECRSG: "Regional self-government denotes the right and the ability of the largest territorial authorities within each State, having elected bodies, being administratively placed between central government and local authorities and enjoying prerogatives either of self-organisation or of a type normally associated with the central authority, to manage, on their own responsibility and in the interests of their populations, a substantial share of public affairs, in accordance with the principle of subsidiarity." (→ subsidizing). [S. Mazur]

Literature: B. Dolnicki, *Samorząd terytorialny* [Local government], Warszawa 2016 ■ I. Pietrzyk, *Polityka regionalna Unii Europejskiej i regiony w państwach członkowskich* [Regional policy of the European Union and regions in the member states], Warszawa 2000.

EUROPEAN CODE OF GOOD ADMINISTRATIVE PRACTICE – (EKDPA) – in Poland previously known as the European Code of Good Administration, adopted by the European Parliament on September 6, 2001. It was created as an

interpretation of art. 41 of the Charter of Fundamental Rights of the European Union adopted in Nice in 2000 – the so-called → right to good administration – it states, inter alia, that every person has the right to: have their arguments heard before taking administrative measures that could affect them negatively; inspect files of their concern; to obtain from the administration justification for each decision issued. It is important that every person has the right to compensation from the EU for damage caused by institutions or officials during the performance of their duties, in accordance with the general common provisions in the law of the Member States. EKDPA applies to all officials and other officers who are covered by the official's status. The Code contains general principles of good administrative practice that apply to all contacts of the institution and its administration with the entity, unless these contacts are subject to law.

The basic principles of EKDPA are: rule of law – the official pays particular attention to the fact that decisions regarding the rights or interests of individuals have a legal basis and their content is in accordance with applicable law; non-discrimination – when examining the applications of individuals and when making decisions, the official ensures compliance with the principle of equal treatment, so individual people in the same situation are treated in a comparable way; proportionality – in the course of making decisions, the official ensures that the actions adopted remain commensurate with the objective pursued, in particular avoids restricting or imposing citizen rights if such restrictions or burdens would be disproportionate to the purpose of the activities carried out; prohibition of abuse of powers – an official may only use his powers to achieve the purposes with which he has been entrusted, such powers are granted by virtue of relevant provisions; impartiality and independence – an official acts impartially and independently, is obliged to refrain from any arbitrary actions that may have a negative impact on the situation of individuals, and from any form of favouritism, regardless of the reasons for such behaviour; objectivity – in the course of making decisions, the official is required to take into account all relevant factors and assign each of them their due significance and not to take into account any circumstances not pertaining to the case; honesty and courtesy – the clerk acts in an impartial, honest and reasonable manner, remains a service provider and behaves properly, remains available.

EKDA also contains many other regulations regarding such issues as: legitimate expectations and consistent action and advice; principle of replying to letters in the citizen's language; acknowledgment of receipt and indication of the relevant official; commitment to transfer the case to the appropriate organizational unit of the institution; the right to hear and make statements; the appropriate time limit for making a decision; obligation to state reasons; information on appeal options; notification of a decision. The EKDA also contains regulations related to the right to information – art. 22 concerns requests for information and, among others, provides that the official shall advise

within the limits of his competence on the initiation of any administrative procedure and that he shall ensure that the information provided is clear and understandable.

In Poland, the Ombudsman's Office published EKDPA (under the old name) with substantive commentary referring, among others, to Polish legal conditions, although since 2007 (the last sixth edition) there have been changes in Polish legislation, in addition the official EKDA translation sometimes uses other terms.

EKDA is termed soft law, as indicated in the introduction of the EU ombudsman publishing house, and is an important instrument for the implementation of principles of good administration in the work of EU institutions. It allows citizens to understand their rights and ensures their observation, and also increases public interest in an open, effective and independent European administration. The European Parliament recommends implementing the concept of "good administration" in the practice of the administrative systems of EU Member States. Polish administrative courts, just like the European Court of Justice, refer in their jurisprudence to the principles of the right to good administration. [J. Itrich-Drabarek]

Literature: European Ombudsman, *European Code of Good Administrative Behaviour*, Strasbourg 2015 ■ J. Świątkiewicz, *European Code of Good Administration (introduction, text and commentary on the application of the Code in the conditions of Polish administrative procedures)*, ed. 6, Office of the Ombudsman, Warsaw 2007.

EUROPEAN INSTITUTE OF PUBLIC ADMINISTRATION (EIPA) – an educational institution with the status of a foundation whose main objective is to improve the competences of the EU member state officials dealing with the EU issues. The EIPA's activity was initiated during the meeting of the European Council in 1981. EIPA achieves its goal through training, expert and scientific activities. It organises trainings in the traditional and e-learning forms, provides consultancy services, conducts comparative research on the functioning of public administrations in the EU. It also owns the → CAF (Common Assessment Framework), a quality management tool in the public sector. EIPA also conducts international cooperation with such organisations as the European Public Administration Network (EUPAN) or OECD. The Institute's highest decision-making body is the Board of Governors – it determines the directions of the development and controls the state of finances, and consists of representatives of the states that are the institutional members of EIPA. Poland has been a member of EIPA since 2004 under a bilateral cooperation agreement. The Board of Governors selects the director of the Institute, who is responsible for its day-to-day operation. The EIPA activity is financed from the member states' contributions, subsidies from the European Commission and revenues from commercial activities. The headquarters is located in Maastricht, and there are two remote centres: in Barcelona (mainly dealing with multi-level governance

in the EU) and Luxembourg (European Centre for Judges and Lawyers). [Ł. Świetlikowski]

Literature: Annual reports on EIPA's activities are available on the website: eipa.eu.

EUROPEAN REGIONAL DEVELOPMENT FUND (ERDF) – one of the Structural Funds, which aims to bridge the gap in the level of development among the EU regions, established in 1975. The projects implemented under the ERDF relate to supporting the development and structural adjustment of regions with development delays and contributing to the transformation of declining industrial regions. Together with the → European Cohesion Fund, on the basis of the regulations of the European Parliament and the Council of the European Union, the ERDF is responsible for implementing projects in the fields of investment for economic and employment growth to strengthen the labour market and regional economies and European territorial cooperation to strengthen cross-border, transnational and interregional cooperation in the EU. The ERDF resources are allocated to three categories of regions: 1. more developed, whose per capita GDP exceeds 90% of the EU average; 2. in the transitional phase, whose per capita GDP is between 75% and 90% of the EU average; 3. less developed, whose per capita GDP is less than 75% of the EU average. The intensity of support for projects financed by the ERDF is tailored to the development of the region concerned. In less developed regions, the ERDF can finance up to 85% of project costs, in transitional areas – up to 60% and in the more developed ones – up to 50%. The investments realized through the funds from the ERDF address four priorities that contribute to the "Europe 2020" strategy: innovation and research, digital agenda, support for small and medium enterprises, low-carbon economy. The concentration funds from the ERDF in these priorities varies depending on the category of region to which the support is provided. In addition, at least 5% of the ERDF resources for each member state are allocated to actions for sustainable urban development related to the implementation of economic, environmental, climate, demographic and social challenges facing urban areas. [T. Kownacki]

Literature: J. Lecarte, *Europejski Fundusz Rozwoju Regionalnego (EFRR)* [European Regional Development Fund (ERDF)], 06/2017 [online] http://www.europarl.europa.eu/atyourservice/pl/displayFtu.html?ftuId=FTU_3.1.2.html [access: September 2017].

EUROPEAN UNION CIVIL SERVICE – a general term used to describe the officials of the EU institutions (including the European Commission, the European Council, the Council of the European Union, and the European Parliament). According to the "Staff Regulations of Officials of the EU", the EU official is any person who has been appointed to an established post on the staff of one of the institutions of the EU by an instrument issued by the Appointing Authority of that institution. The EU officials are to follow the principles of

professional ethics and ethos in their actions. They should perform their duties objectively, impartially and in keeping with their duty of loyalty towards the EU. The principles of the EU civil service also include a commitment to the Union and the EU citizens, integrity, objectivity, respect for others and transparency. The TFEU states that the institutions, bodies and organisational units (offices and agencies) of the EU, while performing their tasks, benefit from the support of an open, effective and independent European administration. The officials of the EU institutions work on the basis of the already mentioned "Staff Regulations", which is consistent with the provisions of primary law regulating, inter alia, the operating rules of individual EU institutions. It defines in detail the rights and duties of officials, and also specifies the criteria for promotion and career, remuneration, social security, dismissal and pensions. All additional issues related to the activities of the staff of a given institution may be regulated, for example, in internal regulations that do not have universally binding force. Among the EU officials, there are categories of administrators (AD) and assistants (AST). Administrators have the task of developing policy directions, monitoring the implementation of the EU law, and preparing analyses. They also have an advisory function. The AD category includes, for example, general directors, department managers, translators, lawyers and economists. Assistants' work is of auxiliary character. The AST category includes, among others, administrative managers, office and technical staff. Staff flow between categories is possible. The European Personnel Selection Office (EPSO) established in 2003 is responsible for the recruitment of employees. The procedure for the selection of candidates is usually the same in all institutions. Employees are employed for a definite and indefinite period. The Staff Regulations define various forms of employment of employees by the EU institutions. The status of some of them is different from that of an official. One can distinguish among others contract employees, temporary staff, interns and experts. On the official websites of the EU institutions one can find information that they employ over 40,000 people from all member states. A characteristic feature of the EU staff is their multiculturalism. Most employees come from Belgium, France and Italy. The model functioning in the EU institutions is similar to the → career model of the civil service, but it is changing, especially noticeable after 2000, when the reform of the civil service system started, initiated by the Commissioner for Administration, Vice-President of the European Commission Neil Kinnock. In the 1950s, the solutions adopted in the European Communities were based on the administrative model of the founding states: France. Germany, Italy and the Benelux countries. This model was characterised by attachment to administrative procedures and hierarchy and lack of flexibility in taking up new challenges. The immediate causes of subsequent reforms were scandals in the European Commission that led to its resignation, but also preparations for the accession to the EU of ten new countries in 2004. The reforms were aimed at changing the behavior and attitudes of European officials. A new system of monitoring

compliance with "Ethical Standards" was implemented, based on the OLAF Anti-Fraud Office, the European Ombudsman and the Advisory Group on Ethics Standards. The European Code of Good Administrative Behaviour was introduced, and also financial management was improved. The specific civil service of the EU is difficult to measure with the measure of civil service systems of the nation states, it is also difficult to compare to other international structures. In European countries, in accordance with the prevailing historical traditions, different definitions of the concept of "civil service" were adopted. In Poland, one can find an opinion that the civil service can only occur in the state, and therefore in relation to the officials of an international organisation, such as the EU, the term "public service in the EU institutions" would be more appropriate. Nevertheless, the term "European Civil Service" is much more popular in Polish and English-language literature on the subject. (→ civil service) [J. Wiśniewska-Grzelak]

Literature: J. Itrich-Drabarek, *Uwarunkowania, standardy i kierunki zmian funkcjonowania służby cywilnej w Polsce na tle europejskim* [Conditions, standards and directions of changes in the functioning of the civil service in Poland against the European background], Warszawa 2010 ■ E. Latoszek, M. Proczek, *Specyfika biurokracji Unii Europejskiej* [The specificity of the bureaucracy of the European Union], [in:] *Biurokracja. Fenomen władzy politycznej w strukturach administracyjnych* [Bureaucracy. The phenomenon of political power in administrative structures], ed. K. Zuba, Toruń 2007 ■ J. Wiśniewska-Grzelak, *Służba publiczna w instytucjach Unii Europejskiej* [Public service in the institutions of the European Union], [in:] *Teorie i metody w studiach europejskich* [Theories and methods in the European studies], ed. K.A. Wojtaszczyk, J. Wiśniewska-Grzelak, Warszawa 2015.

EUROPEAN UNION FUNDS – the EU has a common budget to finance actions taken to address common problems. It is cheaper and more effective to tackle the challenges than if each member state were to face them individually. The EU grants financial support and grants for a number of different projects and programmes in areas such as: regional development and urban development, employment and social inclusion, agriculture and rural development, maritime and fisheries policy, research and innovation, humanitarian aid. Funds from the EU funds are administered in accordance with strict rules to ensure strict control over their spending and ensure full transparency and accountability. The responsibility for managing the funds lies with the European Commission and the governments of the member states. The five main funds support the economic development of all EU countries: 1. → European Regional Development Fund – its aim is to reduce disparities in the level of development of regions within the Union and to strengthen the economic, social and territorial cohesion of the EU as a whole; 2. European Social Fund – its main objective is to fight unemployment in the member states and the resources allocated to the projects are designed to increase employability and education; 3. → Cohesion Fund – is intended for member states whose GNI per capita is less than 90% of

the EU average. Its aim is to reduce economic and social disparities and promote sustainable development; 4. European Agricultural Fund for Rural Development – dedicated to support the transformation of the agricultural structure and the development of rural areas; 5. European Maritime and Fisheries Fund – supports the restructuring of fisheries in the member states. The EU through its funds pursues active regional development policy, also called cohesion policy or structural policy. [K. Tomaszewski]

Literature: *Europe 2020. A strategy for smart, sustainable and inclusive growth*, COM (2010) 2020 ■ C. Kosikowski, *Finanse i prawo finansowe Unii Europejskiej* [Finance and financial law of the European Union], Warszawa 2014 ■ M. Krasuska, *Fundusze unijne w nowej perspektywie 2014–2020* [EU funds in the new perspective 2014–2020], Warszawa 2014.

EUROPEANISATION OF PUBLIC ADMINISTRATION – process/phenomenon taking place in the structures of the public administration of the EU member states, which means: 1. the influence of the EU law on the processes of drafting and applying and interpreting national administrative law; 2. changes in the functioning of the public administration in line with the challenges of the process of European integration. E.p.a. occurs on three planes. First, the Europeanisation of standards. It concerns the European model of public administration, based on the foundation of values and rules of the democratic state, going beyond the EU. The main part of these patterns is rooted in the general process of modernization and democratization of public life, but a part directly relates to the processes of European integration; in the EU, basic standards in this area are described, inter alia, in the Charter of Fundamental Rights and included there the → right to good administration, and the European Code of Good Administration. Second, the Europeanization of tasks. Membership in the EU is related to the need to ensure full compatibility between the services and public administration bodies of the country in order to effectively implement actions undertaken within the EU. This includes: the content of the EU laws, the participation of the national administration in the decision-making process in the EU, the cooperation of national administrations in the process of European policy coordination. Thirdly, Europeanisation of organisational, procedural, personnel solutions. The EU law does not regulate the organisation of public administrations of the member states in terms of their structure, tasks or competences. From the treaty's principle of organisational (institutional) autonomy of the member states it results that decisions in this respect fall within their exclusive competence. However, the indirect impact of the EU law on the system and administrative procedures at national level should be considered significant in practice. [K. Tomaszewski]

Literature: *Administracja publiczna. Wyzwania w dobie integracji europejskiej* [Public administration. Challenges in the era of European integration], ed. J. Czaputowicz

Warszawa 2008 ■ *Europeizacja administracji publicznej* [Europeanisation of public administration], ed. I. Lipowicz, Warszawa 2008 ■ J. Supernat, *Administracja Unii Europejskiej. Zagadnienia wybrane* [The European Union administration. Selected issues], Wrocław 2013.

EUROREGION – a specific area of cross-border regional cooperation in Europe. Euroregions are not areas excluded from the national jurisdiction and administration, they do not infringe the borders, their statutes and activity cannot contradict the national legislation or the international agreements that are in force. The basic and most important legislation that regulates the rules of cross-border relation and cooperation is the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (1980, ratified by Poland in 1993). The first euroregions were created in Western Europe in the late 1950s. The oldest euroregion was established in 1958 on the German-Dutch border; the oldest euroregion with Polish participation is the euroregion Nysa (Polish–German–Czech), established in 1991. Since 1990s, the euroregions were being created also in Central-Eastern Europe. By 2017, over 100 euroregions were created. Euroregions are established mostly in order to collectively seek solutions to local problems of cross-border character (protection or reconstruction of natural environment, counteracting ecological threats), and also due to the need to support the economic development (cross-border traffic and local tourism of these areas, construction or extension of cross-border infrastructure) or to create an area of cooperation and relations among people from different countries. Regional development and cross-border cooperation projects were for a long time an important element of the EU policy, especially in the scope of regional development. The idea of uniting regional Europe is still an important part of social and economic integration of the EU members. For many years the EU has been financing this goal and supporting this development through community initiatives. [M. Kaczorowska]

Literature: *Euroregiony: mosty do Europy bez granic* [Euroregions: bridges to Europe without borders], ed. W. Malendowski, M. Szczepaniak, Warszawa 2000 ■ J.P. Gwizdała, *Euroregiony jako forma współpracy transgranicznej w Europie* [Euroregions as a form of cross-border cooperation in Europe], Zeszyty Naukowe Uniwersytetu Szczecińskiego, no. 855, "Finanse, Rynki Finansowe, Ubezpieczenia" 2015, no. 74, vol. 2 ■ W. Malendowski, M. Ratajczak, *Euroregiony: polski krok do integracji* [Euroregions: the Polish step to integration], Wrocław 2000.

EVIDENCE-BASED POLICY (EBP) – an assumption and postulate relating to the public sphere that decisions are made on the basis of objective facts, hard data. This applies in particular to the cycle of conducting public policies: analysis of a public problem, designing solutions, their implementation, evaluation, adaptation. Such data may be quantitative research (e.g. satisfaction surveys of customers of the office) and qualitative (e.g. focused group interviews), as well as

the results of inspections, citizens' applications and complaints, financial statements, etc. The implementation of this postulate is aimed at avoiding a situation where decisions are based on incomplete or unreliable information, subjective feelings, intuition. However, it does not seem possible to fully base every decision on evidence. The justification for this may also be the values held by the political decision-maker (e.g. leftist or right-wing). For this reason, some experts talk about documented policy development – *evidence informed policy making*. An important aspect of conducting evidence-based policy is data availability and the ability to analyse it – both at the official and political level.

The concept of EBP has been imported into political science from medical science (in which the basis of effective treatment is the correct diagnosis, conducting research and its appropriate analysis, interview with the patient, etc.). In a broader sense, EBP refers to epistemology (the theory of cognition) – a branch of philosophy that studies sources of truth/knowledge. This source can be experience (empiricism), reason (rationalism), intuition, faith. (→ public policies) [Ł. Świetlikowski]

Literature: *Wprowadzenie do nauk o polityce publicznej* [Introduction to the sciences of public policy], ed. M. Zawicki, Warszawa 2013 ■ A. Zybała, *Polityki publiczne: doświadczenia w tworzeniu i wykonywaniu programów publicznych w Polsce i w innych krajach. Jak działa państwo, gdy zamierza (chce) musi rozwiązać zbiorowe problemy swoich obywateli?* [Public policies: experiences in creating and executing public programmes in Poland and other countries. How does the state act when it intends (wants) to solve the collective problems of its citizens?], Warszawa 2012.

EXECUTIVE BODY OF LOCAL GOVERNMENT – the constitutional and statutory definition of the village mayor/mayor/president of the city, county board and voivodship board. In the municipality until 2002, this body was also a collegiate body – the board. The name of the local-government body indicates the basic tasks – exercising executive functions in relation to the decision of the decision-making and control body within the local or regional self-government unit. The structure of e.b. has not been symmetrical since 2002 in all types of local government units – in the municipality there is a monocratic e.b. in the form of the village mayor/mayor/president of the city, elected in the local-government elections that are universal and direct conducted by a secret ballot. On the other hand, in the county and self-government voivodship, there is a collective e.b. indirectly elected by councillors. The composition of the e.b. in the county self-government includes from three to five persons, while in the self-government voivodship – five persons. A starost is the head of the e.b. in the county, and in the self-government voivodship – the voivodship marshal. They are elected first and it is at their request that the council/sejmik selects the other members of the e.b. The elected board members do not have to be councillors. Resignation or death of the chairman of the e.b. causes the expiry of the mandate of the entire e.b. After voting on the dismissal by the decision-making body, the e.b. performs

its tasks until the selection of a new body. (→ decision-making and control body of local government) [J. Wojnicki]

Literature: Z. Bukowski, T. Jędrzejewski, P. Rączka, *Ustrój samorządu terytorialnego* [The system of local government], Toruń 2013 ■ A. Piekara, *Samorząd terytorialny i inne formy aktywności społecznej: dawniej i dziś* [Local government and other forms of social activity: in the past and present], Warszawa 2005 ■ J. Regulski, *Samorząd III RP: koncepcje i realizacja* [Local government of the Third Republic of Poland: concepts and implementation], Warszawa 2000.

F

FAVOURITISM, NEPOTISM AND CRONYISM – negative phenomena from the perspective of observing the principles of public service, but often underestimated and unnoticed. **Favouritism** is defined as a system of relations in which favourites have positions and influences, **cronyism** – as mutual support of people related by kinship, intimacy, common, not always honest, interests, and **nepotism** – as abuse of position by favouring, protecting people closely privately related with an official/politician, his/her relatives. The adverse effects of these phenomena can occur not only within public administration structures (example – financial costs related to decisions made by incompetent, but for example, related employees, or unfavourable and not optimal choices in public tenders), but also – as a result of social and economic impact – beyond it. High level of n. destroys citizens' trust in public institutions. N. or c. collide with the principle of justice, which consolidates society and forms the basis of a democratic state. Justice in this sense relates to equality between citizens and equal treatment of citizens by public institutions. [J. Itrich-Drabarek]

Literature: J. Itrich-Drabarek, *Uwarunkowania, standardy i kierunki zmian służby cywilnej w Polsce na tle europejskim* [Conditions, standards and directions of changes in the civil service in Poland against the European background], Warszawa 2010.

FEMINISATION OF PUBLIC ADMINISTRATION – refers to the over-representation of women in relation to men employed in public administration. The term also describes the specificity of women's employment in public administration, which is based on occupational segregation involving the concentration of women around less prestigious and less-paid positions. Occupational segregation of women in public administration occurs in the horizontal and vertical dimensions: the first concerns the concentration of women within the low level of the official staff, while the second – vertical, manifests itself in the difficult promotion of women, in their low participation in decision-making processes and in the management. The reason for the phenomenon of f.p.a. are working conditions that are beneficial for women due to their reproductive function, such as: stability of employment, legally guaranteed protection of the place and working conditions, physical safety, health conditions and the opportunity to claim their rights. Public administration officials are, as shown by the study of the employment structure, a feminised professional group, called *pink collars* in the literature. This term is used to describe typically female occupations that are less prestigious and less paid than other occupations. [A. Komar]

Literature: A. Gromkowska-Melosik, *Feminizacja zawodu nauczycielskiego – "różowe kołnierzyki" i paradoksy rynku pracy* [Feminization of the teaching profession – "pink collars"

and paradoxes of the labour market], "Studia Edukacyjne" 2013, no. 25 ■ P. Zwiech, *Segregacja zawodowa kobiet w Polsce* [Occupational segregation of women in Poland] [in:] *Szklany sufit i ruchome schody: kobiety na rynku pracy* [Glass ceiling and escalators: women in the labour market], ed. M. Gawrycka, J. Wasilczuk, P. Zwiech, Warszawa 2011.

FORMS OF COOPERATION WITH NGOs IN IMPLEMENTING PUBLIC TASKS – cooperation in this area should strive to better meet social needs using the potential of partners. The following f.o.c. can be distinguished: 1. financial cooperation consisting in commissioning non-governmental organisations to implement → public tasks by: a. announcing open invitations for tenders on the implementation of public tasks; b. accepting and considering applications of non-governmental organisations on the implementation of a public task, including omitting the invitation for tenders; c. commissioning non-governmental organisations to handle invitations for tenders on the implementation of public tasks; d. subcontracting public tasks under a contract for the implementation of a public task and re-granting; 2. implementation of public tasks using non-financial forms, including: a. making available the public administration's public and personnel resources; b. providing access to public administration's promotional infrastructure; c. taking patronage over the implementation of public tasks (e.g., patronage of the village mayor, voivodship marshal); d. provision of substantive support by the administration – e.g., consultancy, training; e. creating joint monitoring and coordination teams for the implementation of public tasks; 3. project partnership in the implementation of public tasks. (→ rules of cooperation with NGOs) [I. Macek]

Literature: http://www.pozytek.gov.pl/files/Biblioteka/BPP/model_wspolpracy.pdf ■ http://poradnik.ngo.pl/wspolpraca-merytoryczna-administracji-z-organizacjami-pozarzadowymi.

FOUNDATION – one of the forms of → non-governmental organisations in Poland, its legal basis being the act on foundations. At least one founder is required to create a f. The establishment of the f. takes place by way of a notarial deed or inheritance. The f. must have a specific purpose, and the purpose must be socially or economically useful. Upon registration, the f. becomes independent of the founder, and the management body (management board) takes over the responsibility for its activities. F. are subject to entry into the National Court Register – the court makes an entry after stating that the legal acts constituting the basis for the entry have been taken by an authorized person/body and are valid. In contrast to → associations, f. does not have a corporate character, that is, one cannot become a member of the f. The statute must foresee its bodies and the manner of their appointment. The management board is a mandatory body, besides, other bodies are created, most often a control body, e.g., a foundation council or an audit committee. The bodies often appointed in the f. of an expert character are program councils or scientific councils. F. are subject

to state control in the area of legality, and in the case of receiving public funds also purposefulness, effectiveness, efficiency and reliability. The Polish model of functioning of f. is comparable to many models of European countries: it requires defining the goal of a f. and state approval (registration in court), requires a founder/founder contribution, it determines tax preferences for the f., and it determines tax preferences for individual and corporate donors. [Ł. Małecki-Tepicht]

Literature: P. Adamiak, B. Charycka, M. Gumkowska, *Polskie organizacje pozarządowe* [Polish non-governmental organisations], Warszawa 2015 ■ G. Salole, *Ogólny przegląd zakresu działania fundacji w Europie: granice typologii* [A general overview of the scope of activities of foundations in Europe: the boundaries of typology], [in:] *Rola i modele fundacji w Polsce i w Europie* [The role and models of foundations in Poland and in Europe], ed. M. Arczewska, Warszawa 2009 ■ M. Wawrzyński, *Fundacje w Polsce* [Foundations in Poland], Warszawa 1997.

FRENCH MODEL OF ADMINISTRATION – the civil service in France has more than 5.2 million officials and includes the state services, local government and hospital services. The vast majority of officials are employed on the basis of nomination. They belong to the so-called corps. These are groups of officials who: 1. have gone through the same examination procedure, 2. can hold the same positions, 3. are subject to the same professional pragmatics (the Human Resources Act). The most prestigious are the so-called large state corps dealing with diplomacy, public finances and engineering. Recruitment to corps takes place through competitions in the form of a state examination. Passing the exam is also a condition for changing the official category (A, B, C) or changing the corps. An important element of the system is the National School of Administration (École nationale d'administration, ENA), a forge of the administrative elites of France. It prepares the cadre of senior state officials for public service. The School's graduates are guaranteed employment in administration structures. Some of them engage politically. In France, there is no tradition of strict separation of official and political career. The characteristic feature of the French model is therefore: a wide range of civil service, the division of civil servants into corpora, the institution of competitions and the role of the ENA in the training of administrative staff. In the HR sphere, the French system therefore refers to the → career model of civil service. The elitist character of the civil service and the political careers of its officials is also specific for this model. (→ civil service, official) [Ł. Świetlikowski]

Literature: M. Kulesza, M. Niziołek, *Etyka służby publicznej* [Ethics of public service], Warszawa 2010 ■ OECD, *France. An International Perspective on the General Review of Public Policies*, Paris 2012.

G

GENTRIFICATION – the process of changing the character of urban space. Due to economic, social and political factors, the social structure of residents of particular districts is being rebuilt. Gentrified districts are usually located near the city centre and inhabited by the poorer part of the local community. Along with the increasing density of the city and the increase in property prices, they become a natural refuge for representatives of alternative trends or young artists. The increase in attractiveness of the external environment increases the interest in investing in these spaces – in terms of their renovation, increasing their standard, e.g., by increasing the height of buildings. The reconstruction of a district is accompanied by a consistent increase in the cost of living, i.e. taxes, including local prices, prices in local shops, parking fees, etc. The local community unable to bear the financial pressure, moves further from the centre to less attractive, cheaper districts, as a result of which the sociodemographic structure of the district is disturbed. Gentrification is a concept associated with → urban policy. The city (local government unit) as part of its activities is responsible for maintaining a proper balance between the renewal of urban space and caring for the interest of local communities, because urban tissue (and its identity) is a guarantee of sustainable development of the city. [B. Celejewski]

Literature: D. Ley, *Gentrification and the Politics of the New Middle Class*, "Environmental and Planning, Society and Space", vol 12, issue 1, 1994 ■ Sh. Zukin, *Naked City, The death and life of authentic urban places*, New York 2010.

GOOD GOVERNANCE – refers to the quality of governance, the way and effects of exercising power and actions taken by public administration. This is one of the concepts of management in the public sector, also referred to as "good administration". This concept was developed in the 1980s and 1990s by international organisations (the World Bank) as part of assistance programmes implemented in the third world countries. It relates to the concept of *governance* (having its sources in managing the private sector) – this term is defined as processes and institutions used to make decisions and exercise power in a given country (or international organisation). G.g. is characterised by: 1. involvement of all interested parties – it may take a direct or indirect form (participation through representatives or institutions); 2. the rule of law – governance takes place on the basis and within the limits of the law, and human rights are respected, which is supervised by institutions, such as courts, ombudsmen, police; 3. transparency – compliance of the decisions and actions taken with the procedures and their disclosure; 4. consensus; 5. ensuring equal opportunity to influence the governance process; 6. efficiency; 7. responsibility of stakeholders

for the governance process; 8. treating the governance process as a response to the needs of stakeholders. According to the World Bank's definition, g.g. is characterised by: open and developmental policy, professional administration, acting for the public good, legal principles, transparency of processes, strong civil society. One of the elements of the concept g.g. is the → right to good administration. [E. Szulc-Wałecka]

Literature: European Commission, *White Paper of the European Union on Good Governance*, Brussels 2001 ■ Ministerstwo Rozwoju Regionalnego, *Koncepcja good governance – refleksje do dyskusji* [The concept of good governance – reflections for discussion], Warszawa 2008 ■ World Bank, *Governance and Development*, Washington 1992.

GOVERNANCE – the scientific paradigm that assumes that due to the complexity of contemporary social processes, it is justified to depart from traditional governance, based on the principles of hierarchy and bureaucracy, to make decisions in the course of negotiations with other entities, actors and stakeholders. It gained popularity in the second half of the 20th century. Gov. can be defined as a process of controlling the networks of non-hierarchical interdependencies occurring between public and non-public actors, used to coordinate collective actions and solve collective problems. Gov. can also be seen as a structure, mechanism or strategy. There are a few basic trends of gov. The first one emphasizes cooperation, interdependence, partnership and network (*collaborative, interactive* and *network governance*). The second one emphasizes the subjects of relations, including representative bodies and citizens, or relations between them at particular levels (*democratic*, *participatory* and *multi-level governance*). The third trend emphasizes methods and tools for shaping relations, including normative acts and other directive action or state interventions (*regulatory* and *metagovernance*). For the fourth trend, the range of relationships is essential: from local to global (*local*, *metropolitan*, *regional*, *European* and *global governance*). The fifth one emphasizes the interaction between the individual and the environment or the economy (*environmental* and *economic governance*). In the sixth trend, the reference point is the normative category or hyperpluralistic reality (*good*, *new public governance*). The practical implementation of the principles of cooperation is problematic due to the complexity of network governance and insufficient responsibility and accountability of stakeholders – private and social – involved in the decision-making process. [K. Radzik-Maruszak]

Literature: *Governance*, ed. D. Levi-Faur, Oxford 2012 ■ A. Pawłowska, *Governance jako podejście teoretyczne – kilka kwestii spornych* [Governance as a theoretical approach – a few contentious issues], "Polityka i Społeczeństwo" 2016, no. 3 ■ *Współzarządzanie publiczne* [Public co-management], ed. S. Mazur, Warszawa 2015.

GOVERNMENT ADMINISTRATION – term used since the period of the second Polish Republic (with the exception of the years 1950–1990) with reference to the basic part of the state administration (understood, in the context of a broader concept of → public administration, as the centralised public authority

apparatus), which is led by the Council of Ministers, and the head of its employees is the President of the Council of Ministers. G.a. is divided into central (→ central administration) and territorial. In terms of the subjective approach the bodies of the central g.a. are: the Council of Ministers, Ministers leading specific government administration departments (these departments, as task and competence groups are specified in the g.a. department act; at present there are 32 departments: from public administration to inland waterway transport; → government administration departments) and central offices leaders, who are directly subordinate to the President of the Council of Ministers or the Minister managing the relevant g.a. department, or supervised by them. Territorial g.a. is divided into joint and non-joint. In the voivodship the head of the joint g.a. and at the same time its body is the voivode, who in the Polish Constitution is depicted as the representative of the Council of Ministers in the voivodship. The position of the voivode is described precisely in act on voivodes and g.a. in voivodships. In particular the following bodies are part of the joint g.a.: regional school superintendent, the Voivodship Conservator and heads of voivodship service units, inspection and guards (police, fire service and inspections, such as sanitary, veterinary or construction supervision) – some of these services, inspection and guards at the county level (police, fire service, sanitary inspection, inspection of construction supervision), while remaining part of the g.a., as district services, inspections and guards are subordinate to the starost as statutorily specified. In principle, in the voivodship the bodies of the joint g.a. do not have their own apparatus (offices) and are supported by the voivodship office, which serves the voivode. The non-joint g.a. is comprised of the territorial g.a. bodies subordinate to the relevant minister or g.a. central body, and legal public entity managers and leaders of other public organisational units performing g.a. tasks in the voivodship. These are, for example, the directors of tax chambers along with heads of tax and customs offices, mining authorities, statistical office directors, and regional directors of environmental protection offices. The central and territorial g.a. offices are staffed by members of the → civil service, headed by the President of the Council of Ministers. The current wording of the civil service act, established since 2015, due to the special status of persons holding high positions in the service does not fully meet the objective existence of the civil service as defined in the Constitution, as the professional, honest, impartial and politically neutral execution of state tasks. In terms of the objective (functional) approach, the scope of g.a. matters includes matters lying within the scope of territorial g.a. bodies, as well as matters statutorily passed as → tasks assigned to bodies→ local government. Local government bodies, in compliance with principles of law, can take over from g.a. territorial bodies specific tasks (→ entrusted tasks). [H. Izdebski]

Literature: *Prawo administracyjne. Pojęcia*, *instytucje, zasady w teorii i w orzecznictwie*, ed. M. Stahl, Warszawa 2016 ■ *System prawa administracyjnego*, ed. R. Hauser, Z. Niewiadomski, A. Wróbel, t. 6: *Podmioty administrujące*, Warszawa 2011; J. Zimmermann, *Prawo administracyjne*, Warszawa 2016.

GOVERNMENT ADMINISTRATION DEPARTMENT – a set of matters distinguished in terms of subject-matter, only from the objective point of view, which are clearly distinguished in the Act on government administration departments. The number of d. is variable, according to the legal status as on December 2017, it amounts to 36 (e.g., public administration, finances, economy, science, national defence, agriculture, justice, environment). D. is headed by a minister, e.g., a minister competent for public administration. The ministers entrusted with the administration of government administration departments, apart from the function of a government member, also play the role of the supreme single-person government administration body that has its own legally distinct competences. No specific administrative structure is assigned, subject-matter is key. The only indication is that the relevant department is directed by the minister competent for matters that are contained in a given department. One minister may manage several departments at the same time (hence, the term minister competent for matters is used in legal acts), and the ministry may combine several departments, such as the Ministry of the Interior and Administration. The division in ministries into individual departments is also based on existing departments. (→ department) [A. Jarosz]

Literature: H. Izdebski, M. Kulesza, *Administracja publiczna. Zagadnienia ogólne* [Public administration. General issues], Warszawa 2004 ■ J. Zimmermann, *Prawo administracyjne* [Administrative law], Warszawa 2016 ■ E. Zieliński, *Administracja rządowa i samorządowa w Polsce* [Government and local government administration in Poland], Warszawa 2013.

GOVERNMENT ADMINISTRATION IN EXCEPTIONAL STATES – in exceptional states (state of national disaster, state of emergency and state of war) the government administration is the most important apparatus of combating exceptional threats. It decides on applying and calling off the exceptional states. It plays the decisive role when they are in force. Local-government administration (→ local-government administration in exceptional states) becomes subordinated to government administration. Government administration's functioning also changes. It becomes radically subordinated to one-person bodies of government administration, who, while managing the exceptional states, are responsible for the way they are going, their effectiveness and return to the hitherto organisational structures of the country. The solutions used for the government administration in the state of national disaster and the state of emergency are similar (with some differences). However, in the state of war, the functioning of all public authorities can be reorganised, including the government administration. In case the area of direct warfare is established, public authorities can act there according to different rules (lack of details), it is allowed to suspend them and to give some competences of public authority to military authorities (in which the essence of the state of war/martial state is expressed). [M. Brzeziński]

Literature: M. Brzeziński, *Zasady działania organów władzy publicznej w stanie klęski żywiołowej* [Principles of operation of public authorities in the state of natural disaster], [in:] *Trzy wymiary współczesnego bezpieczeństwa* [Three dimensions of modern security], ed. S. Sulowski, M. Brzeziński, Warszawa 2014 ■ M. Brzeziński, *Stany nadzwyczajne w polskich konstytucjach* [Extraordinary states in the Polish constitutions], Warszawa 2007.

GOVERNMENT CENTRE – nowadays, it has two meanings found in political and administrative literature. **In a narrow perspective, the g.c.** (of the Council of Ministers) means the institution of the executive branch, whose aim is to support and service a collegial body, which is the Council of Ministers, and the Prime Minister at its head in fulfilling the executive function. The most frequently performed tasks are: coordination of the work of government bodies and public policies, expert and political advice for the head of government, information policy, personnel policy, strategic planning; in the European Union member states, also coordination of European affairs. The purpose of the g.c. is to achieve consistency of activities among various public policies, forecasting social, economic and political processes in the national and international dimension. Institutionally, the g.c. adopts the shape of the office of the Council of Ministers, the presidential office (in presidential systems), the office (chancellery, offices) of the head of government, together with subordinated organisational units of an expert, information, analytical character, etc. Government committees and teams that are usually located in the offices servicing the centre, as well as task ministers (without portfolio) and representatives of the government/head of the government executing government priorities are a part of the g.c. Examples of g.c. in this sense are: in the USA – the White House Office with subordinated institutions (such as the National Security Council, the Office of Management and Budget), the Office of the Cabinet and the Prime Minister's Office in Great Britain, the Chancellery Office in Germany, and the Chancellery of the Prime Minister in Poland. **In a broad understanding, the g.c.** is a network of government institutions, i.e. ministries, selected central offices, agencies, expert support units, which constitute the "core" of the executive and the entities included in the g.c. in the narrow sense. The research on g.c. concerns its effectiveness in preparation and implementation of public policies, the political and institutional strength of individual actors within the framework of g.c., the way in which it is organised and the political processes taking place in it. Other areas of research on g.c. concern the interdependence of government organisations belonging to the g.c., their rivalry, cooperation and exchange of political and administrative resources, roles played by the links of the administrative apparatus, as well as the consensus and conflict between departmental and general governmental interests. (→ council of ministers) [D. Długosz]

Literature: *Centre Stage. Driving Better Policies from the Centre of Government*, OECD 2018 ■ L. Skiba, *Rządzić państwem. Centrum decyzyjne rządu w wybranych krajach europejskich* [Governing the state. The decision-making centre of the government in selected European countries], Warszawa 2010 ■ *Administering the Summit. Administration of the*

Core Executive in Developed Countries, ed. B.G. Peters, R.A.W. Rhodes, V. Wright, Basingstoke 2000.

GOVERNMENT COMMISSIONER – appointed by the President of the Council of Ministers in the mode of supervision of the bodies of local-government units, upon the request of the voivode submitted through the minister competent for public administration. The g.c. takes over the performance of tasks and powers of the local government bodies on the date of appointment. The scope of action of the g.c. is identical to the scope of action of the dissolved local government bodies, and therefore includes, for example, issuing legal acts, including local acts; the legislator did not specify the legal form of these legal acts, which may cause some problems, since the g.c. acting on a one-man basis instead of the legislative body, cannot adopt resolutions which belong to the collegial bodies. The decisions of the supervisory bodies on the suspension of local-government bodies and the imposition of the → receivership are subject to appeal to the Voivodship Administrative Court due to unlawfulness within 30 days of their service. As a consequence, the said decisions become final at the end of the time limit for filing a complaint or at the date of the final decision of the court rejecting or dismissing the complaint. [J. Wojnicki]

Literature: H. Izdebski, *Samorząd terytorialny: podstawy ustroju i działalności* [Local government: the foundations of the system and activity], Warszawa 2014 ■ E. Ochendowski, *Prawo administracyjne; część ogólna* [Administrative law; general part], Toruń 2013 ■ E. Zieliński, *Administracja rządowa i samorządowa w Polsce* [Government and local-government administration in Poland], Warszawa 2013.

GOVERNMENT COMMITTEES – collective and internal working teams, appointed by the government as auxiliary, reconciliation and consultative bodies, aimed at: 1. relieving the government (→ Council of Ministers) from making decisions by preparing and agreeing on them before the final adoption by the government; 2. making agreements on policies and legislation among → ministries; 3. making evaluations of proposed public interventions in terms of social and economic consequences (→ impact assessment). Gov.c. most often have a problem-based character – they are either permanent or appointed to settle a particular matter. The most important role is played by gov.c. with general competence. Examples of gov.c. of a general nature are: the Committee on Political Affairs – in the Second Republic of Poland, the Economic Committee of the Council of Ministers – in the Second Republic of Poland, in the Polish People's Republic and now. Other contemporary gov.c. of a general nature are: the Standing Committee of the Council of Ministers, the Defence Committee of the Council of Ministers or the Committee for European Affairs. Gov.c. are most often appointed by the government itself or the prime minister. In the practice of European governments, the most common committees are: economic, social, regional policy, defence, security and order, European affairs and integration, as

well as committees referred to as the "small council of ministers", e.g. consisting of deputy ministers – secretaries of state, sitting under the chairmanship of a chosen minister, deputy prime minister or head of the office serving the work of the government. [D. Długosz]

Literature: J. Blondel, F. Müller-Rommel, *Cabinets in Eastern Europe*, Basingstoke 2001 ■ *Rządy w państwach Europy* [Governments in European countries], ed. E. Zieliński, I. Bokszczanin, vol. 1–4, Warszawa 2003–2007.

GOVERNMENT RELIGIOUS ADMINISTRATION – bodies within the structure of government administration competent to settle issues related to the realization of freedom of conscience and religion, to which individuals and religious associations (r.a.) are entitled. Such supervisory bodies exist in countries with different political regimes. Their structure, scope of competence and the nature of the supervision (repressive, preventive or informative) result, among others, from the state-church relationship model adopted in the given country (linkage or separation model). The central religious administration (r.adm.) may be located: 1. in a separate ministry for religion, or for church affairs; 2. in a separate body (e.g., committee, office, representative) who is subordinate to the government or to one ministry; 3. in the ministry, which has r.adm. within its scope (e.g., education, justice, culture, interior) – the last option is the solution applied in most countries in the world. In Poland since 1919, the second and third options were used. From 2015, the specialised central body of r.adm. is the minister competent for internal affairs. Other ministers (e.g., competent for education, finance, foreign affairs, national defence, social policy, health) are entitled to supervisory powers when the activities of r.a. fall within the scope of their subject matter. Functions of the territorial bodies of r.adm. are held by the voivodes. Supervision mainly concerns the establishment of r.a., the worship activity outside the places of worship, the creation by the r.a. of new organisational units, appointment of foreigners to managerial positions in r.a. The Department of Religious Denominations and National and Ethnic Minorities is responsible for the tasks of the minister responsible for internal affairs in the area of religious denominations; for the voivode – the department of civic affairs and migration of the voivodship office. [B. Górowska]

Literature: P.A. Leszczyński, *Administracja wyznaniowa wybranych państw współczesnych – zarys zagadnienia* [Religious administration of selected modern states – an outline of the issue], [in:] *Prawo wyznaniowe w systemie prawa polskiego: materiały I Ogólnopolskiego Sympozjum Prawa Wyznaniowego* [Religious law in the system of Polish law: materials of the 1st National Symposium on Religious Law], ed. A. Mezglewski, Lublin 2004 ■ K. Walczuk, *Rządowa administracja wyznaniowa w Polsce* [Government religious administration in Poland], "Studia z Prawa Wyznaniowego" 2006, no. 9.

H

HAYEK, FRIEDRICH AUGUST VON (1899–1992) – an Austrian economist, social science methodologist, political philosopher, social thinker, researcher of the history of ideas and political doctrines. In 1974, together with Gunnar Myrdal, a Swedish social-democrat representing the opposing economic orientation, he received the Nobel Prize in Economics. As the most outstanding representative of the so-called Austrian school, he was an ardent supporter of individualism and market, and a fierce critic of socialism – both in its communist and social-democratic form. *The Road to Serfdom* (1944) was a pioneering work attacking economic interventionism. According to H., every socialist concept containing an element of economic planning must lead to the use of coercion, to treat the individual as an instrument for the realization of great social goals, and ultimately to such a proliferation of state control over all spheres of life that it would lead to reaching for totalitarian solutions. *The Counter-Revolution of Science: Studies on the Abuses of Reason* (1952) is a work on the inadequacy of methods developed by science to study society, since it is a complex mechanism of interdependence between individuals and social groups, whose development is impossible to predict precisely. *Law, Legislation and Liberty* (1973, 1976, 1979) is a three-volume work that develops the problems, previously raised by H., of rooting social life in the evolution of humanity, criticizes the concept of social justice and indicates the constitutional protection of the limited character of the state power. *The Fatal Conceit: the Errors of Socialism* (1988) is a recapitulation – property, contract, honesty are common values that allow a free society to function and can in no way be replaced by a directive of any social planner. H. studied law and economics at the University of Vienna, where he obtained his PhD in law (1921) and political science (1923). Here, in 1929, he was habilitated. He was a professor of economics and statistics at the London School of Economics, he headed the Department of Social and Moral Sciences at the University of Chicago (the most important centre of neoliberal thought at the time), and lectured on economic policy at the University of Freiburg West Germany in Switzerland. His *The Constitution of Liberty* (1962) is considered the most outstanding work on freedom that appeared in the 20th century. H. combines the personal freedom of the individual with the functioning of a free-competitive economy based on the law of supply and demand. He opposes classically conceived justice, which is expressed in the rules of distribution of goods. The imposition of any model of distribution of goods on society is a denial of freedom. Justice can only be based on the principle of freely concluded contracts. In his opinion, individual freedom is a necessary condition, but insufficient for the existence of social order, because its content is defined by the moral principles

that govern the use of freedom, and the undisputable legal principles that bind the will of the majority. For H. democracy is not an end in itself, but only a tool, a means enabling the proper functioning of a liberal society. He is a democrat because he is a liberal, not the other way around. H.'s writings had a significant impact on the emerging New Right. Freedom in terms of H. turns out to be a lack of coercion. Negative concept of freedom is dominating, indicating the circumstances of "freedom from" something. [J.G. Otto]

Literature: *Doktryny polityczne XIX i XX wieku: liberalizm, konserwatyzm, socjalizm, doktryna socjaldemokracji, nauczanie społeczne Kościoła, totalitaryzm* [Political doctrines of the 19th and 20th centuries: liberalism, conservatism, socialism, doctrine of social democracy, social teaching of the Church, totalitarianism], ed. K. Chojnicka, W. Kozub-Ciembroniewicz, Kraków 2000 ■ F.A. von Hayek, *Konstytucja wolności* [The Constitution of Liberty], Warszawa 2006 ■ A. Heywood, *Politologia* [Political science], Warszawa 2006.

HEAD OF THE CIVIL SERVICE – a central government administration body reporting directly to the President of the Council of Ministers, also appointed and dismissed by him. HoCS is the competent body in cases of → civil service. A candidate for the position of HoCS does not have to be a member of the civil service corps. In the Polish government administration, the HoCS was created in 1996, then the body did not exist in years 2006–2009 (during that time its competences were taken over by the Head of the Chancellery of the President of the Council of Ministers). Services for the HoCS are provided by the Chancellery of the Prime Minister. Particular tasks of the HoCS include, among others: ensuring compliance with the rules of the service, directing the process of human resources management, gathering information about the corps, preparing draft normative acts, monitoring and supervising the use of funds, planning, organising and supervising central training, disseminating information, conducting international cooperation, creating a human resources management strategy project in the corps. (→ Civil Service Council). [B. Springer]

Literature: G. Rydlewski, *Służba cywilna w Polsce. Przegląd rozwiązań na tle doświadczeń innych państw i podstawowe akty prawne* [Civil service in Poland. Overview of solutions based on the experience of other countries and basic legal acts], Warszawa 2001.

HOUSING ESTATE – an auxiliary unit in an urban unit of local government – in the city (→ municipality's auxiliary unit). The city council gives the statute to the h.e., in which it defines name and area, scope of tasks, organisation of bodies of auxiliary units. In the h.e. the resolution-making body is a council of a specified number of members, no more than 21 persons, and the board with a chairman is the executive body. The chairman is entitled, among others, to participate in the work of the municipality council, without the right to vote. The chairman of the board of the h.e. is entitled to an allowance and reimbursement of travel expenses, and this right can be extended to the members of the board of the h.e. The provision in the constitutional law of the local government indicates

that it is possible to use the terms → district and housing estate interchangeably. The law does not specify what the difference between them is (nor does it indicate clearly that these units must be separated in the city). With respect to the h.e. the provisions stipulate that a general assembly of residents may constitute the resolution-making body which elects the board (this possibility is not available for a district). The h.e., thus, should not be too big to have a gathering of residents at a common meeting. For this reason, as well as the possibility of appointing a lower unit (within an auxiliary unit), the h.e. can be established as a part of the district. (→ municipality's auxiliary unit) [M. Sidor]

Literature: P. Matczak, *Rady osiedli: w poszukiwaniu sensu lokalnego działania* [Councils of housing estates: in search of the sense of local action], Poznań 2008 ■ M. Sidor, *Demokracja lokalna na poziomie jednostek pomocniczych w największych miastach Polski* [Local democracy at the level of auxiliary units in major Polish cities], [in:] *Demokracja lokalna w państwach Europy* [Local democracy in European countries], ed. I. Bokszczanin, A. Mirska, Warszawa 2014.

HUMAN RESOURCE MANAGEMENT – a coherent, strategic and integrated approach to employment, motivation and development as well as the management of people employed in an organisation, and also creating conditions that stimulate employees' involvement in a way that would contribute to the organisation's success. The term *human resources* (HR) is used in management instead of the previously used concepts of "personnel" or "staff", it means a qualitative change in the perception of the employees of the organisation – as exactly "human resources". Good management of HR and effective use of the potential embedded in them can transform them into human capital, or the most valuable asset of the company. Human capital means people with their knowledge and skills, professional experience, aspirations, motivations and attitudes, connections, relationships and interpersonal relations, the level of trust, as well as the binding culture, that is, behaviour patterns, norms and values. HRM is a sequence of processes consisting of logically related activities aimed at providing the organisation at a specific time and place with the required number of employees with appropriate qualifications and creating conditions that stimulate effective behaviour of employees in accordance with the overall objective of the organisation. The HRM process consists of, among others, human resources planning, recruitment, dismissals, selection and choice of employees, improving professional qualifications, professional development, promotion, employee evaluation, maintaining harmonious relations between the managerial staff and employees, and among employees, the remuneration system. HRM in public administration relates to the concept of acquiring and managing employees and providing them with development aimed at the most effective implementation of the objectives and tasks of public administration. The application of the HRM concept in public administration is related to → New Public Management. [E. Szulc-Wałecka]

Literature: M. Armstrong, *Zarządzanie zasobami ludzkimi* [Human resource management], Warszawa 2011 ■ Z. Czajka, *Zarządzanie zasobami ludzkimi w administracji publicznej* [Human resource management in public administration], Warszawa 2012 ■ *Perspektywy Zarządzania Zasobami Ludzkimi* [Perspectives of Human Resource Management], ed. A. Rakowska, Lublin 2014.

HUMAN RIGHTS AND CITIZENS' RIGHTS – rights pertaining to every person by virtue of the fact of being a human being, and in the case of citizenship rights – pertaining to nationals of the state, however not to all persons residing in the territory of a given state. HR protection is a field of constitutional law and international law, its task is to institutionally defend the rights of the human being – individuals, and sometimes larger communities distinguished by certain criteria. The essence of HR is to protect the dignity and freedom of the individual, which constitute the primary basis for the state and its legal system. HR are universal – they belong to every person, regardless of their nationality, race, ethnicity, religion, social and professional status, etc. They are congenital and therefore exist regardless of the authority's will (positive law) and therefore pertain to every human being born endowed with these rights, they are part of his humanity, therefore they are not granted by the state. The state is obliged to guarantee and protect HR. The following basic types of guarantees are distinguished: political, legal, institutional, social and moral, material. There are three basic systems of human rights protection: intra-state, supranational (e.g. within the European Union) and international. In international law human rights have been regulated in United Nations conventions, e.g. by the International Covenant on Civil and Political Rights (1966) and the International Covenant on Economic, Social and Cultural Rights (1966). The Council of Europe is a regional organization regulating human rights; two conventions are of particular importance: the Convention for the Protection of Human Rights and Fundamental Freedoms (1950) with additional protocols, and the European Social Charter (1961, revised version 1996). As part of the EU, the EU Charter of Fundamental Rights (2000) was adopted. These organizations have specialized law enforcement agencies. Within the UN, this is the United Nations High Commissioner for Human Rights, United Nations High Commissioner for Refugees or Human Rights Council. Within the Council of Europe this is the Commissioner for Human Rights or the European Court of Human Rights. Within the European Union this is the EU Ombudsman or the Court of Justice of the EU. HR can be divided into three generations. The first of these is civil and political rights, but they also include personal rights. The second generation is economic, social and cultural rights. The third generation includes collective (group) rights.

Citizens' rights are connected with the citizenship of a given country. Even in democratic countries there is a requirement of citizenship in the case of electoral law, the possibility of exercising certain professions and positions (e.g. being president, a member of special services or diplomatic and consular services).

In Poland the basic normative act in which human and citizen rights were normalized is the Polish Constitution of 1997 – Chapter II is entitled "Freedom, rights and duties of man and citizen". It shows that everyone is equal before the law, women and men have equal rights in family, political, social and economic life. Polish citizens living abroad have the right to receive support from the Republic of Poland. When it comes to personal freedoms and rights, this includes legal protection of life, personal inviolability and personal freedom, the right to defence, the presumption of innocence, freedom and protection of the secret of communication, the right of access to official documents and data sets or the freedom of conscience and religion. Another group of rights are political freedoms and rights, to which the Constitution includes freedom of assembly, freedom of association, right of access to public service, right to information on the activities of public authorities and persons performing public functions, the right to participate in referendum and electoral rights to state bodies, as well as the possibility of submitting petitions, complaints and applications. As part of economic, social and cultural freedoms and rights, the Constitution provides, inter alia, the right to property, the right to inheritance, freedom to choose and perform work, the right to social security, the right to health protection, the right to education or the right to protect consumers. The means of protection of freedoms and rights include the Constitutional right to compensation for damage caused by unlawful action of a public authority, the right to a court, the right to appeal against judgments and decisions issued at first instance, the right to lodge a complaint with the → Constitutional Tribunal or the right to apply to the → Ombudsman for Civil Rights.

Human and civil rights have also been regulated by statute. They concern, among others, electoral law, associations, foundations, political parties, freedom of conscience and religion, labor law, criminal law. [I. Malinowska]

Literature: B. Banaszak et al., *Human rights protection system*, Kraków 2003 ■ B. Gronowska et al., *Human rights and their protection*, Toruń 2010 ■ *Human rights and their protection systems. Source texts*, ed. by S. Jarosz-Żukowska, selection and elaboration S. Jarosz-Żukowska, A. Wojtatowicz, Ł. Żukowski, Wrocław 2002.

I

IMMIGRATION POLICY – organized activity of state authorities (central and local government), as well as non-governmental organizations, including arrivals and stays of foreigners, including: → repatriation policy and → asylum policy. I.p. is implemented on the basis of regulations determining the rules of arrival and stay on the territory of a given country. The purpose of i.p. is the management of spatial population movements, which leads to obtaining the desired structure of the population in a given administrative unit and / or granting international protection to foreigners who have reasonable concerns about their own security in their country of origin. Currently in the European Union i.p. is implemented by individual countries and falls within the scope of internal affairs, but should nevertheless be based on shared values and take into account the important goals of EU Member States. I.p. implemented by local self-governments includes activities within the competence of the authorities of individual self-government units (mainly communes) aimed at limiting or encouraging repatriates and foreigners to settle and stay on their territory. It includes active support in finding employment, enabling education at various levels, ensuring security, housing policy and health protection. I.p. implemented by non-governmental organizations mainly consists of activities directed at the host society as well as repatriates and foreigners. Information campaigns on repatriates and foreigners are addressed to the host society, while repatriates and foreigners are undergoing measures to support adaptation and integration processes in the host country. An important goal pursued by NGOs is counteracting violence and trafficking of human beings. In Poland and other EU Member States i.p. is the subject of acute axiological dispute, focused primarily on the issue of the influx of foreigners from third countries. The population structure of all EU Member States undergoes negative demographic processes, such as population aging due to the low fertility rate preventing simple generation replacement, as well as overpopulation of metropolitan cities and depopulation of rural areas. I.p. is treated as an instrument for compensating losses in the population structure so as to ensure that the needs and individual functions of the social groups are met. After World War II, i.p. in Western European countries began to rely increasingly on immigrants from other continents. Its effect is the creation of a large number of non-European diaspora groups in western EU countries. [P. Hut]

Literature: P. Hut, *Migracja i pojęcia pokrewne*, [in:] *W kręgu pojęć i zagadnień współczesnej polityki społecznej* [Migration and related concepts [in:] Concepts and issues of contemporary social policy], ed. B. Rysz-Kowalczyk, B. Szatur-Jaworska, Warsaw 2016 ■ *Polityka migracyjna jako instrument promocji zatrudnienia i ograniczenia bezrobocia* [Migration policy as an instrument for promoting employment and reducing unemployment], ed. P. Kaczmarek, M. Okólski, Warsaw 2008.

IMPACT ASSESSMENT (IA) – concerns proposals and draft normative acts issued at various levels of government in the state and at European level, including an analysis of the possible costs and benefits of implementing such acts (in Poland also often referred to as "influence assessment"). IA usually includes the diagnosis of an already existing legal status, as well as an assessment of the possible impact of envisaged regulation on public finances, economic competitiveness, entrepreneurship, households, the labour market and possibly other areas related to the field of legislation. Very often, IA also provides information on how the issue underlying the normative act has been resolved in other countries. The most commonly used tool for IA is the classic cost-benefit analysis based on the analysis of statistical data and economic indicators and on the analysis of social phenomena. For assessing the financial impact of the draft acts, a special guidance is used that assures the application of uniform macroeconomic indicators developed by the minister responsible for public finances. The estimation of the impact of the entry into force of the regulation takes place on the basis of expert opinions, analyses of statistical data, results of public consultations. At the EU level, the impact assessment is carried out by the European Commission. In Poland, the system of impact assessment of legislation was formally introduced in 2001 and follows the recommendations of the OECD and the EU. Various studies and analyses of this system indicate a number of problems with the reliability and in-depth of analyses underlying the IA, both at country and European level (among others, the analyses of the Ministry of Public Finance or analytical centres). [R. Mieńkowska-Norkiene]

Literature: *Ocena wpływu oparta na dowodach. Model dla Polski* [Evidence-based impact assessment. A model for Poland], ed. J. Górniak, Warszawa 2015 ■ W. Szpringer, W. Rogowski, *Ocena skutków regulacji – poradnik OSR, doświadczenia, perspektywy* [Regulatory impact assessment – RIA guide, experience, perspectives], Warszawa 2007.

IMPARTIALITY – one of the basic principles that all people acting on behalf of the state should follow. Max Weber assumed that a real official should act according to the maxim *sine ira et studio*, that is, without anger or bias, these emotions are reserved for a politician. The term impartiality contains such features as: honesty, superiority of the public interest over private interest, professional independence, transparency and openness of citizens' access to information on public administration activities, right to fair hearing and procedural justice (fair execution of public tasks entrusted to them by law). The principle of impartiality also means the prohibition of taking over additional work and activities without the consent of the supervisor. Public administration official does not demonstrate intimacy with people who are known for their public, political, religious, social or economic activities. I. is an expression of his/her objective action, and at the same time is the opposite of bias and interest. It is a guarantee of the rule of law, requires compliance with the social perception of this value. The idea of i. is inextricably linked to the idea of → political

neutrality by prohibiting the creation of and participation in political parties, the public manifestation of political views and others. Obligation to maintain i. means that any decision should be free of belonging to the interest group. Adherence to this principle is a guarantee that all citizens, regardless of their political views and party affiliation, gender, race, religion, social status and property will be treated equally. Public administration official decides issues related to the public interest, the interests of the state and the interests of the individual. Public administration official treats citizens, ethnic groups, and social groups equally, irrespective of: appearance, gender, race, skin colour, age, religion, property status, social status, marital status, political affiliation, sexual orientation, disability. He/she is not subject to pressure and does not accept any obligations arising from kinship, work, knowledge or membership in a party. [J. Itrich-Drabarek]

Literature: J. Itrich-Drabarek, *The Civil Service in Poland – Theory and Experience*, Frankfurt am Main 2015 ■ J. Itrich-Drabarek, *Etyka zawodowa funkcjonariuszy służb państwowych* [Professional ethics of the state officials], Warszawa 2016.

INACTIVITY OF PUBLIC ADMINISTRATION (inactivity of public administration's body) – proceedings of public administration body involving omission of acting where the state of affairs in conjunction with the legal status requires it. The inactivity in → administrative proceedings is considered in situations: 1. when the body did not take any action in the case (both inaction and refusal to act) in the legally prescribed time limit; 2. when the body, in the course of the pending proceedings, despite being legally obliged, did not finalize it by issuing a decision, an order or any other act. To determine whether an administration is "inactive" in dealing with a given case, the time period prescribed in the rules for carrying out the activity in a particular case is relevant. Exceeding a specific time limit for performing an action or not taking it at a specified time (e.g., the lack of resolution of a case by issuing a final administrative decision, order or other act) means inactivity. The deadline for completing the case depends on the degree of its complexity. A case that can be settled on the basis of the evidence provided by the party together with the request for initiation of proceedings or on the basis of facts and evidence commonly known to the administrative body should be settled without undue delay. If the case requires an investigation, the time limit for processing the case is one month and, in special cases of more complicated case – no more than two months from the date of the initiation of the case. In appeal proceedings, the administrative body has one month to settle the case, counting from the date of receipt of the appeal. However, these periods do not include periods of conducting activities prescribed by law, suspension of proceedings or delays caused by the fault of the party. These terms also do not include the duration of mediation, if any occurs, in the proceedings. A party to the proceedings may file a → reminder in an instance procedure, against an administrative body that has been inactive. [E. Sękowska-Grodzicka]

Literature: J. Borkowski, *Prawne problemy bezczynności i przewlekłości w działaniu administracji* [Legal problems of inactivity and protractedness in administration's actions], [in:] *Wpływ UE i Rady Europy na postępowanie administracyjne w Czechach i Polsce* [The influence of the EU and the Council of Europe on administrative proceedings in the Czech Republic and Poland], ed. M. Harakova, M. Tomaszek, Berno 2010 ■ K. Samulska, *Zasada szybkości postępowania administracyjnego w prawie polskim* [The principle of speed of administrative proceedings in the Polish law], Warszawa 2017 ■ J. Zimmerman, *Prawo administracyjne* [Administrative law], Warszawa 2010.

INCOMPETENCE OF PUBLIC ADMINISTRATION – the theory of incompetence was formulated by Canadian educator Laurence J. Peter who assumed that a hierarchical and rigid system in an organisation serves to build employee incompetence. An example of a hierarchical organisation is public administration, in which every employee according to the hierarchical principle has a designated path of promotion. In this model, "everyone advances to the point of reaching their own incompetence threshold," which means that over time, every position will be covered by an employee who is not competent to perform his duties. The only people doing their job well are those who cannot be promoted to the level of incompetence that is waiting for them, or those who cannot be promoted because they are at the highest level of the organisation. John Boć claims that the person who cannot achieve the degree of incompetence is incompetent from the beginning. [J. Itrich-Drabarek]

Literature: J. Boć, *Administracja a obywatel* [Administration and the citizen], [in:] *Administracja publiczna* [Public administration], ed. A. Błaś, J. Boć, J. Jeżewski, Warszawa 2003 ■ J. Itrich-Drabarek, *The Civil Service in Poland – Theory and Experience*, Frankfurt am Main 2015 ■ L.J. Peter, R. Hull, *Zasada Petera. Dlaczego wszystko idzie na opak* [The Peter principle. Why everything goes the wrong way], Warszawa 1975.

INFORMATION SOCIETY – a society in which all persons are allowed free access to the creation, receipt, sharing and use of information and knowledge, which contributes to their economic, social, political and cultural development. I.s. is characterised by the fact that: it uses a well-developed information and communication base in various spheres of social activity; the information sector has an advantage over the industrial sector in the economy; has a well-developed means of information and communication processing, and information processing is the basis for creating national income and provides the livelihoods of the majority of society. In i.s.: information permeates all areas of life; an increasing amount of information is being used; computerization and robotics are increasingly being used. In i.s. mass communication is of great importance because the transmission of information is the basis of society, and the emergence of new means of communication expands possibilities in this field. [P. Potejko]

Literature: M. Casey, *Europejska polityka informacyjna. Wyzwania i perspektywy dla administracji publicznej* [European information policy. Challenges and perspectives for public

administration], Toruń 2001 ■ T. Goban-Klas, P. Sienkiewicz, *Społeczeństwo informacyjne: szanse, zagrożenia, wyzwania* [Information society: opportunities, threats, challenges], Kraków 1999 ■ K. Krzysztofek, M. Szczepański, *Zrozumieć rozwój. Od społeczeństw tradycyjnych do informacyjnych* [Understanding development. From traditional to information societies], Katowice 2005.

INNOVATION IN PUBLIC ADMINISTRATION – according to the definition proposed by the Organisation for Economic Co-operation and Development (OECD), it is some kind of novelty in the operation of a given administration unit that brings effects to society. This novelty may concern the way of working, organisational structures, creation or delivery of public services/goods. A similar but broader concept is **innovation in the public sector**, which consists in integrating implemented novelties or new knowledge into a system dependent on public decisions, in order to improve existing or to implement new forms of activities, services and practices, which the final and most visible result will be greater efficiency of public service and a better standard of living for the population, at least in the main areas. Due to their nature, innovations (inn.) are divided into the following categories: new or improved services (e.g. home care); process inn. (change in the way the service is produced); administrative inn. (e.g. using a new policy instrument); systemic inn. (e.g. a new model of cooperation of the organisation); conceptual inn. (e.g. changes in views, approaches); radical changes in rationality (meaning mental changes of employees employed in a public organisation). Unrealized ideas or concepts do not count as inn. On the other hand, they include activities undertaken as part of pilot projects or tests, if they bring first results. Inn. is considered in relation to a specific administrative unit (relative approach). Inn. for a given unit may mean a new way of working that has already been applied in another. As for the effects of inn., they are usually considered in the following categories: 1. effectiveness (increasing the level of achieving goals); 2. efficiency (increasing effects at the same or lower level of expenditures); 3. user satisfaction (citizens or public employees); 4. supporting democratic values. Regardless of the direction of inn. (directed internally/externally to the office) its effects must directly or indirectly improve the situation of citizens. Solutions that serve to increase the innovativeness of administration are, for example, public policy laboratories, networks of professionals/practitioners (meetings of a group of specialists in a specific field), competitions for innovative practices. (→ modernization of public administration) [Ł. Świetlikowski]

Literature: *Innowacje w sektorze publicznym. Raport przedstawiający aktualny stan wiedzy* [Innovations in the public sector. Report showing the current state of knowledge], Fundusz na rzecz Badań Stosowanych i Komunikacji [Fund for Applied Research and Communication], Sofia 2013 ■ OECD, *The Innovation Imperative in the Public Sector. Setting the Agenda for Action*, Paris 2015 ■ T. Halvorsen et al., *On the Differences Between Public and Private Sector Innovation*, PUBLIn report No. D9, Nifu Step, Oslo 2015, quote after: U. Kobylińska, *Innowacje w administracji publicznej w Polsce na poziomie samorządu*

lokalnego [Innovations in public administration in Poland at the local government level], "Prace Naukowe Uniwersytetu Ekonomicznego we Wrocławiu" [Scientific papers of the University of Economics in Wroclaw] 2015, no. 402.

INSOLENCE AND ARROGANCE – the insolence of the office is based, according to Michael Walzer, on claiming the right to dominance, which results from the fact that along with the office some goods, in the form of honour and status, power and prerogatives, wealth and comfort, are distributed. The source of the i. of public administration is legal and political condition, low level of education of the society and lack of organisational culture of the office. The cause of insolence and arrogance can paradoxically be professionalism, which is one of the prerequisites for maintaining a distance between an officer with an expert knowledge and a citizen who does not need this knowledge in everyday life. The superior may be guided by i. in relations towards subordinates – the insolent superior assumes that, by virtue of their subordinate status, the employees should obey his/her orders, even when they are incompatible with accepted cultural patterns, good morals or oscillate on the boundaries of the rules of work and law. A public official may be insolent towards a citizen. This i. is expressed in the patronizing treatment of citizens, lack of impartiality in decision-making, neglect of the personal interest of the citizen or the public in the decision-making process, dishonesty, attempts of making citizens dependent on the institution. A. of public-trust professions is expressed in citizens waiting in long queues, treating citizens in public institutions as intruders, incompetent officials, doctors or lawyers, multiplying bureaucratic regulations, using official, medical or legal jargon in conversations with customers/citizens or even refusing to proceed with a case. A. of an institution towards a citizen manifests itself in the violation of the principles of social justice, the mockery of their bases, deceiving the citizens, breaking the law in the light of the headlights – in the conviction of total impunity. A. of the institution towards the citizen is also expressed through lack of economy. The lack of clear criteria of external control and poorly functioning or non-existent internal controls, unclear system of recruitment, selection, promotion and punishment of employees in public administration, and lastly lack of employment stability promotes the spread of arrogance and insolence (mainly among the middle management in public administration, but it also touches higher positions). [J. Itrich-Drabarek]

Literature: J. Itrich-Drabarek, *Etyka zawodowa funkcjonariuszy służb państwowych* [Professional ethics of the state officials], Warszawa 2016.

INSPECTIONS – this is a term strictly related to the **administrative police** (adm.p.) and is understood as one of the functions performed by services responsible for → public safety and → public order. Adm.p. is basically classified as police in the material sense, which differs from the security police and criminal

police. The tasks of adm.p. include: ensuring security and public order; removing dangers threatening public order; forcing individuals to refrain from activities that harm public order. In addition, adm.p. may be perceived as a set of legal and administrative measures intended to guarantee the inviolability of three states: security, order and public peace, and three goods: life, health and property. However, these legal and administrative measures are diversified due to the type and scale of potential threats. In organisational terms the functions of adm.p. are performed by various public authorities. These are first and foremost various state organs within the executive branch, as well as other institutions that break out of the classical rule of the trifurcation of public authorities, i.e. inspections. In this respect, adm.p. is apparently present in the structures of state administration. Due to the specificity of the subject of action, adm.p. cannot be included in the group of entities with a wide range of competences. Therefore, it is located in most cases in the territorial joint governmental administration, however, it is excluded from the direct governing authority of the voivode (in the voivodship), let alone the starost (in the county). Therefore, it is advisable to set up specialised institutions for this purpose, which are colloquially termed (albeit imprecisely) as services, guards or inspections. Specialised entities performing the function of adm.p. that are part of a joint administration include the following statutory inspections: the Road Transport Inspection – to control the observance of road transport regulations for motor vehicles and to comply with traffic regulations by drivers of vehicles under the rules laid down in road traffic law; the Environmental Protection Inspection – to control compliance with environmental protection regulations as well as to study and assess the state of the environment; the Veterinary Inspection – in order to ensure the protection of public health, it performs tasks in the area of animal health protection as well as the safety of products of animal origin and food containing both non-animal food ingredients and products of animal origin in agricultural retail trade, within the meaning of the Act on food safety and nutrition; the Trade Inspection – a specialised control body appointed to protect consumer interests and rights as well as economic interests of the state; the State Sanitary Inspection – performs tasks in the field of public health, in particular by supervising hygiene conditions of: the environment, work in workplaces, radiation, teaching and education processes and health conditions of food, nutrition and objects of use, hygiene and sanitation requirements that should be met by medical personnel, equipment and premises in which health services are provided; the National Labour Inspectorate – appointed to supervise and control compliance with labour law, in particular the provisions and principles of health and safety and hygiene at work, as well as provisions regarding the legality of employment and other paid work. [A. Misiuk]

Literature: J. Dobkowski, *Pozycja prawnoustrojowa służb, inspekcji i straży* [The legal and systemic position of the services, inspections and guards], Warszawa 2007.

INSPECTOR GENERAL FOR THE PROTECTION OF PERSONAL DATA (GIODO) – a state administration body dealing with the protection of personal data (p.p.d.). It supervises through the Office of the Inspector General for Personal Data the entities that deal with the processing of citizens' data, it conducts educational activities (e.g., by organising scientific conferences) and cooperates with the p.p.d. authorities in other countries and with the European Data Protection Supervisor. It was established in 1997. The Inspector General is appointed by the Sejm with the consent of the Senate for a four-year term, from among Polish citizens without criminal record, permanently residing on the territory of the Republic of Poland, who are distinguished by high moral authority and have a higher education in law and professional experience in the p.p.d. The competence of GIODO includes: control of the compliance of data processing with the provisions of the Act; issuing administrative decisions and examining complaints regarding the implementation of regulations in the field of p.p.d.; keeping a register of data sets and the register of information security administrators, as well as providing information on registered data sets and registered information security administrators; giving opinions on draft normative acts in the field of p.p.d.; initiating and undertaking improvement projects of p.p.d.; participating in the work of international organisations and institutions dealing with p.p.d. If there is a violation of the provisions on the p.p.d., the Inspector General ex officio or at the request of the person concerned, by an administrative decision, orders restoration of the lawful state. If the act is considered to be criminal, GIODO informs the relevant law enforcement authorities. In 2019 GIODO was replaced by the President of the Personal Data Protection Office as the result of implementation *General Data Protection Regulation* (GDPR) [M. Szczegielniak]

Literature: P. Barta, P. Litwiński, *Ustawa o ochronie danych osobowych. Komentarz* [The Act on protection of personal data. A commentary], Warszawa 2016 ■ M. Kawecki, *Generalny Inspektor Ochrony Danych Osobowych jako centralny organ administracji państwowej* [Inspector General for the Protection of Personal Data as a central body of the state administration], "Przegląd Prawa Technologii Informacyjnych. ICT Law Review" 2013, no. 1 ■ X. Konarski, G. Sibiga, *Organ do spraw ochrony danych osobowych* [The body for the protection of personal data], [in:] *Prawo reklamy i promocji* [The law on advertising and promotion], ed. E. Traple, Warszawa 2007.

INTEREST GROUP – otherwise known as the pressure group, it is a non-public organisation that aims to have a sectoral impact on politics and actions of the authorities, but does not seek to gain and exercise this power to implement general social changes (which is a characteristic of the party). People organise themselves in the i.g. on the basis of such factors as: economy (employees and employers), demography (youth, pensioners, minorities), geographical and social space (local interests, centre and periphery, big cities, regions, etc.), culture (linguistic, ethnic, cultural minorities), rights (rights of women, people

with disabilities, etc.). The typology of i.g. includes such divisions as community/union groups (associations, trade unions), private interest groups (business, professional corporations), public interest (consumer protection, environmental protection), institutional groups (local governments). From the point of view of links between i.g. and public administration one can distinguish a division into the so-called *outsiders/insiders* in the decision-making process. The relations of the state administration and interest groups are described by various political theories. Two are the most prominent: pluralism assumes a relative balance of different i.g. The second is corporatism and neo-corporatism, and it presupposes the legal and institutional distinction of certain i.g. in relations with the state, e.g., business organisation and trade union headquarters, the network model (networks, *communities*) identifies the creation of a network of interests "across" various sectors (private, public, non-governmental) that affect the shape of public policy. (→ *iron triangle*) [D. Długosz]

Literature: S. Ehrlich, *Władza i interesy: studium struktury politycznej kapitalizmu* [Power and interests: study of the political structure of capitalism], Warszawa 1974 ■ W. Grant, *Lobbying: The Dark Side of Politics*, Manchester 2018 ■ J.C. Scott, *Lobbying and Society: A Political Sociology of Interest Groups*, London 2018.

INTERGOVERNMENTAL RELATIONS – a notion used in particular in Anglo-Saxon federal states (the USA, Canada, Australia), concerning network relations between various public authorities, sharing the power of public exchange, rivalry, negotiations, cooperation in the area of state tasks. Int.rel. are called "federalism in action". The subjects of int.rel. share, exchange resources and activities for the implementation of agreed goals. The reason for the increase in the importance of int.rel. are problems that go beyond the constitutionally-defined powers of the central government and federal units (states, provinces, countries, etc.) and the increasing interdependencies between public policies implemented at various levels of public authorities. Int.rel. assume the most institutionalized forms of cooperation between the central government and federal units as well as other local government units in the form of, for example, administrative "summits", councils, general and industry intergovernmental committees (e.g. for the federal finance system, social and educational policy). In contrast to the systemic decisions regarding the federal structure of the state, int.rel. concern everyday cooperation between governments (central level, federal units) in areas of shared or necessary responsibility. Forms of int.rel. change in relation to the evolution of forms of federalism (executive, cooperative, fiscal, etc.). The general frame of int.rel. are constitutional relations. Essential elements of the int.rel. are issues of the sub-division of responsibility for public tasks, negotiations regarding the financing of programmes implemented in the federation countries by the central government. In political science, one can observe a tendency to expand the concept of the int.rel. to local government, not only in countries with a federal system. This applies in particular to countries with

a strong position of local authorities and applying the → principle of subsidiarity. [D. Długosz]

Literature: T. Wieciech, *"Ustroje federalne" Stanów Zjednoczonych, Kanady i Australii* [Federal systems of the United States, Canada and Australia], Kraków 2009.

INTER-MUNICIPAL ASSOCIATIONS – a form of association of → municipalities, the basic local government units that can create public law corporations in order to implement the more effectively. To create an a. it is necessary for the interested municipalities to adopt a resolution by an absolute majority of votes and to adopt the statute of the association. Then, on the basis of an application, it is entered in the register of inter-municipal associations kept by the minister competent for public administration. I-mun.a. has a legal personality and acts through its bodies: an assembly of the association (a decision-making and control body), which includes mayors of municipalities belonging to the association; the board of the association (executive body), appointed and dismissed by the assembly from among its members. Membership in the i-mun.a. is voluntary – municipalities have the right to enter and withdraw from the association by taking an appropriate resolution. The first i-mun.a. in Poland was established in October 1990 – the Municipal Association for Gasification with headquarters in Stryszawa and operated until 2005. In turn, the Union of Municipalities – Kurpie Białe with its registered office in Obrytem has been operating continuously since 1991. In years 1990–2017, 313 i-mun.a. were established, of which 105 have already ended their activities. It is worth noting that only 6 of them were created after 2012. [M. Szczegielniak]

Literature: *Formy współdziałania jednostek samorządu terytorialnego* [Forms of cooperation of local government units], ed. B. Dolnicki, Warszawa 2012 ■ M. Ofiarska, *Formy publicznoprawne współdziałania jednostek samorządu terytorialnego* [Public-law forms of cooperation of local government units], Warszawa 2008.

INTERNAL AFFAIRS – one of the main areas of public administration activity. In the structure of competences of public authorities it constitutes a modernly separated government administration department. The i.a. are mainly composed of issues related to: protection of public safety and order; protection of the state border, control of border traffic and foreigners' traffic; state migration policy; crisis management; civil defence; fire protection; supervision over mountain and water rescue. In the Polish administration, there are also issues related to: citizenship, population records, ID cards and passports, as well as civil status registrations, including changes of names and surnames. The matters of the ministry of the interior belongs to the original core of the central state administration, which was formed at the turn of the 17th and 18th centuries in France in the era of absolutism. At that time, a central administration model was formed based on the departmental division, which required more and more specialization. Among the originally separated ministries (classical) there were: foreign affairs, military,

treasury and justice. It was not until the French Revolution that the ministry of the i.a. was formed. All the matters were assigned to it for which there was no room in other ministries. Originally, the state administration performed a rationing and police function. Most of the tasks of the i.a. administration falls within this function. Over time, along with the progressing specialisation, the i.a. administration became a subject of constant "slimming". Another phenomenon regarding the administration was the need to coordinate the activities of individual ministries in the field. As a result, two types of administration were formed: joint and special (non-joint) administration. Field supervisors of the joint administration were mostly subordinated to the head of the ministry of i.a. An integral part of this department has always been the issue of → public safety and → public order. [A. Misiuk]

Literature: H. Izdebski, M. Kulesza, *Administracja publiczna. Zagadnienia ogólne* [Public administration. General issues], Warszawa 2004 ■ A. Misiuk, *Administracja spraw wewnętrznych w Polsce (od połowy XVIII w. do współczesności). Zarys dziejów* [Administration of internal affairs in Poland (from the mid-18th century to the present). An outline of history], Olsztyn 2005.

INTERNAL AUDIT – it is an independent and objective activity, the aim of which is to add value and improve the operational activity of the organisation. It is based on a systematic and organised assessment of processes: risk management, control and organisational order – it contributes to improving their performance. It helps the organisation achieve its objectives by providing information/assurance on the effectiveness of these processes, as well as through consulting (it is also used in the private sector). Services providing i.a. include an objective assessment of evidence, carried out by internal auditors to provide opinions or conclusions about an entity, operations, functions, process, system or other issues. Consulting services, due to their nature, are usually carried out in response to the specific needs of the client. While providing consultancy services, the internal auditor is obliged to maintain objectivity and not take over management duties. I.a. may be implemented by an auditor/auditors employed in the organisation or by a service provider contracted from outside the public institution. In both cases the main recipient of the auditor remains the head of the unit (e.g., a minister, a president of the executive agency, village mayor, mayor, president of the city). I.a. in Poland is obligatory in units of the public finance sector. I.a. in the public sector takes into account the specificity of this sector, i.e. the importance of political forces, including non-profit activities, and the fact that the most important goal is to provide public services. Today, auditors focus not only on the study of compliance with regulations, but more and more often on the effectiveness and efficiency of the implementation of the tasks. Public sector's activity is primarily evaluated by its ability to effectively deliver services and execute programmes in the right way, i.a. should therefore have appropriate competence to assess financially as well as from the point of view of compliance,

efficiency, economy and effectiveness of the activity. According to the Constitutional Tribunal's verdict of 2015, audit reports are public information. However, in practice there are significant difficulties in accessing them (offices defend themselves against making them available, by arguing for the protection of personal data); case law and pragmatics in this area are just beginning to shape. The basic document for i.a. in the public sector in Poland is the "International standards for the professional practice of internal auditing" whose systematically updated content is announced in official communications of the minister competent for public finances. (→ audit) [Ł. Małecki-Tepicht]

Literature: *Definicja audytu wewnętrznego, Kodeks etyki oraz Międzynarodowe standardy praktyki zawodowej audytu wewnętrznego* [Definition of internal auditing, the Code of Ethics and International standards for the professional practice of internal auditing], The Institute of Internal Auditors, Altamonte Springs 2016, Polish translation: Instytut Audytorów Wewnętrznych IIA Polska, Warszawa 2016, [online] http://www.mf.gov.pl/c/document_library/get_file?uuid=e3be2ca0-c939-48a5-88fb-8ca2112b3848&groupId=764034 [access: September 2017] ■ *Rola audytu w zarządzaniu sektorem publicznym* [The role of audit in managing the public sector], Instytut Audytorów Wewnętrznych – IIA 2012, [online] https://www.iia.org.pl/sites/default/files/public_sector_governance1_1_polish_05.pdf [access: September 2017].

INTERNAL SECURITY – refers to the process of satisfying the needs and interests of the society of a given country. This process is carried out in a complex environment, and its consequences apply not only to interested individuals and social groups, environments, regions and entire countries, but also to other communities, for example due to the spatial spread of threats that do not know the concept of "state border" (e.g., terrorism). The concept of i.s. results from the theory of the state that distinguishes two of its functions: external and internal. Thus, it is closely related to the institution of the state, which is why quite often in the legal doctrine the more detailed term is used: internal security of the state. On the other hand, as part of the safety education, the i.s. is being placed as part of national security. This kind of security is often understood in two ways. In the narrower view, i.s. refers to the basic (traditional) functions of the modern state: protection of the territory, political-systemic order, social stability and ensuring a sense of security for citizens (protection of life and health). On the other hand, a wider sense of i.s. goes beyond state institutions, as it derives from the spirit of liberalism, and also adopts a global (supranational) character resulting from various transnational forms of international cooperation. In this understanding of i.s. all social and cultural activities of people are included (e.g., activities of non-governmental organisations). In this situation, the issues of privatization of security and social security appear. The matters of i.s. have not yet received in-depth studies, therefore the concept is not universal. In particular countries, or parts of the world, it is interpreted differently. The nature, types and specificity of threats have an influence on its objective scope. In the United States (the term *home security*), it covers the issues of: terrorism, organised crime

(including drugs), illegal migration and spying, which is the subject of federal institutions. On the other hand, the EU's Internal Security Strategy lists the following threats: terrorism in every form – marked by absolute disregard for human life and democratic values; organised crime – in various forms, regardless of state borders; cybercrime – a global, technical, cross-border and anonymous threat to information systems; cross-border crime – having a major impact on everyday lives of Europeans; violence (in itself) – increasing the damage already caused by crime and harmful to the society; natural disasters and anthropogenic factors – such as: forest fires, earthquakes, floods, storms, droughts, energy failures and failures of large-scale IT systems. [A. Misiuk]

Literature: A. Misiuk, *Instytucjonalny system bezpieczeństwa wewnętrznego* [Institutional system of internal security], Warszawa 2013 ■ C. Rutkowski, *Bezpieczeństwo wewnętrzne. Tożsamość – kierowanie – zarządzanie* [Internal security. Identity – directing – management], Warszawa 2010 ■ B. Wiśniewski, Z. Ścibiorek, A. Dawidczyk, B.R. Kuc, *Bezpieczeństwo wewnętrzne. Podręcznik akademicki* [Internal security. Academic handbook], Toruń 2015.

INTERPELLATION – one of the basic, individual means of parliamentary control (by members of parliament) over government activities. It also appears in the local government – interpellation of the councillor. Int. by the deputy (in Polish constitutional system senators do not have this right) consists in directing questions to members of the Council of Ministers, which give rise to the obligation to reply in writing in the time limit stipulated by the Sejm's regulations (21 days). The content of int. should be matters of a fundamental nature and referring to problems related to the state policy. The content of int. should contain a presentation of the facts and the resulting question, in accordance with the competence of the interpellated. These should, therefore, be particularly important issues, although in practice it happens that the content of the int. touches the matter relevant to the parliamentary questions, which are addressed in current, less fundamental, matters. One of the corrective elements is the initial control of the int. by the Sejm's presidium, which may decide not to run it because of the failure to comply with the statutory formal requirements. The Marshal of the Sejm promptly forwards the int. to the addressee who should inform the Sejm about its reception (the content of int. and the response to it is published in an attachment to the stenographic report from the Sejm's debates). In the event that the deputy considers the response of the interpellated to be insufficient, he/she may ask the Marshal to apply to the member of the Council of Ministers with request for additional explanations. From a political point of view, int. gives the deputy an opportunity to show the voters that he/she is interested in the problems of their own electoral district (many int. and queries concern problems related to the functioning of individual regional and local communities), and is one of the most important control instruments of the parliamentary opposition. In the local government, the institution of the int. by the councillor is regulated

by the provisions of the statute of the local-government unit – it is therefore not regulated by the act, but by the act of local law. As a rule, int. (addressed to the executive body of a local-government unit) concerns significant matters from the point of view of the functioning of this unit and includes an indication of the need to solve a given problem and requesting the executive body of the unit to take a stand on the case. The councillor has the right to obtain any information that is public in nature. Int. can be made in writing or orally. [T. Słomka]

Literature: L. Garlicki, *Polskie prawo konstytucyjne. Zarys wykładu* [Polish constitutional law. An outline of a lecture], Warszawa 2013 ■ A. Krajewska, *Radni a partycypacja publiczna* [Councillors and public participation], Instytut Spraw Publicznych "Analizy i Opinie" 2013, no. 5.

IRON TRIANGLE – the notion used in American political science and public administration science, meaning the model of relations between three entities influencing the shape of political decisions, in particular legal regulations and budget allocations. The "vertices" of the triangle are: government agency, interest group or coalition of interest groups, congressional committees. The essence of the relationship lies in the mutual dependence of the "vertices" of the triangle: the administration needs support from representatives and interest groups to achieve its goals, the interest group pursues its goals by influencing decisions of the legislative body and government administration, representatives (especially in the US) use the support of interest groups (vote support, financial support) as part of the re-election efforts. The triangle is described as "iron" because researchers recognize that in many cases iron triangles and their connections are so strong that in fact they control public policy, often outside the stage of official institutions. (→ interest group; connections between public administration and interest groups) [D. Długosz]

Literature: A.J. Nownes, *Interest Groups in American Politics: Pressure and Power*, New York–London 2012.

ISO NORMS – a system of international standards in all areas of life, developed by the International Organization for Standardization. It is an independent non-governmental organisation that brings together national standardisation organisations (162). Its members are not delegated by governments. ISO's activities are financed from own resources coming from membership fees. An important element of the ISO revenue structure are funds from the sale of ISO standards, the publication of textbooks, guides and other industry periodicals. The Polish Committee for Standardisation has been an ISO member since the beginning of its operation (1947), has the status of a founding member. ISO is the official name of the standards – regardless of the language. The first ISO standard was published in 1951. ISO is a global network, created by several hundred technical committees and working groups, and the Main Committee, in which the member states have one vote. Projects for new standards or changes

to existing standards may be submitted by any member organisation. Such proposal – draft – is discussed in working groups, and after obtaining a general consensus, obtains the status of a project that is subject to opinion – it gains the status of the official standard if 3/4 members of the Main Committee give their positive opinion. Respecting ISO standards is voluntary, because an NGO, which ISO is, has no legal or factual ability to impose and enforce their application. Meeting the conditions set out in the ISO standard is confirmed by a certificate (in Poland it may be granted by an entity accredited by the Polish Centre for Accreditation). Popularisation of ISO standards in Polish public administration offices is associated with the implementation of quality management systems. Standards from the ISO-9000 group represent a set of good management practices, the purpose of which is to ensure that customer requirements are met (the organisation provides the service in accordance with the client's expectations). ISO 9001 is a management standard that allows offices to design documentation of procedures and their repetition, which affects the quality of services provided. On the ISO forum, the IWA 2005 standard has been developed, which provides guidelines for the implementation of ISO in administration. It is a standard used in administration all over the world. [J. Itrich-Drabarek, K. Mroczka]

Literature: T. Borys, P. Rogala, *Systemy zarządzania jakością i środowiskiem* [Quality and environmental management systems], Wrocław 2007 ■ International Organization for Standardization website, https://www.iso.org/about-us.html ■ *Współczesne koncepcje zarządzania publicznego. Wyzwania modernizacyjne sektora publicznego* [Contemporary concepts of public management. Modernisation challenges in the public sector], ed. M. Ćwiklicki, M. Jabłoński, S. Mazur, Kraków 2016.

J

JANOSIKOWE – the colloquial name of a compensatory subsidy transferred to local-government units characterised by a worse financial situation than the national average. This is the so-called mechanism of horizontal redistribution of income of a local-government unit, a tax introduced in 2003 that is calculated from the surplus of the unit's income in relation to the national average. Payments are compulsory and are made to the state budget by local-government units with higher than average income, they are part of the specific reserve generating the amount of general subsidy – which in turn is transferred in proportion to the needs to the units with income lower than national average. The amount of j. is calculated on the basis of data from previous two years in relation to the current financial year. In the case of municipalities, income from local taxes and earnings from shares in income taxes are taken into account. At the level of counties and voivodships, only the earnings from income tax shares are considered as indicators affecting the amount of j. The compensatory part of the general subsidy financed from the state budget earnings under j. aims to reduce the disproportion of income of local-government units and differences in their economic development. [M. Chałupczak-Styczeń]

Literature: A. Borodo, *Dochody jednostek samorządu terytorialnego w świetle ustawy z 13 XI 2003 r.* [Income of local government units in the light of the act from 13 XI 2003], Toruń 2004 ■ A. Sekuła, *System subwencjonowania jednostek samorządu terytorialnego w Polsce: dysfunkcje i pożądane kierunki racjonalizacji* [Subsidy system of local government units in Poland: dysfunctions and desirable directions of rationalization], Gdańsk 2016.

JOINT COMMISSION OF GOVERNMENT AND LOCAL GOVERNMENT (JCGaLG) – a forum for working out a common position of the government and local government. It is classified as the so-called common bodies involved in developing a common position in the process of coordination, consultation and negotiation. The tasks of JCGaLG include consideration of problems related to the functioning of the local government and the state's policy towards it, as well as matters concerning local government that are within the scope of the EU and international organisations, to which Poland belongs. JCGaLG consists of representatives of the government and local government. The government side consists of the minister competent for public administration and 11 representatives appointed and dismissed by the President of the Council of Ministers at the request of the minister. The local government party consists of designated representatives of national organisations of local-government units. Representatives of both parties work in 12 problem teams and 3 working groups. Their work is supported by experts. JCGaLG expresses an opinion on the considered

issues, documents, etc., which opinion is the result of the agreement of both parties and which may contain separate positions on specific issues. In case of absence of agreement, each party adopts its own position. The work of JCGaLG is managed by the co-chairmen – the minister competent for public administration and the elected representative of the local government party. Meetings of committees, teams and working groups take place depending on the needs. [P. Antkowiak]

Literature: B. Dolnicki, *Samorząd terytorialny* [Local government], Warszawa 2016.

JOINT COMMISSIONS OF GOVERNMENT AND CHURCHES – bodies of the Council of Ministers, established in agreement with the interested institution, in order to reach a common position on matters of relevance to government policy and the interests of the institution or milieu represented in the commission. These are: Joint Commission of Representatives of the Government of the Republic of Poland and the Conference of the Polish Episcopal Conference (established in 1949, until 1989 functioning without a legal basis); Joint Commission of Representatives of the Government of the Republic of Poland and the Polish Ecumenical Council (1991, represents 7 Christian churches); Joint Group of Representatives of the Government of the Republic of Poland and the Holy Council of Bishops (2007, for the Orthodox Church); Joint Commission of Representatives of the Government of the Republic of Poland and the Evangelical Alliance in Poland (2009, for 15 Christian churches); Group for the Catholic Church in Poland of the Byzantine-Ukrainian Rite (known as the Greek-Catholic, 2010); Joint Commission of Representatives of the Government of the Republic of Poland and the Evangelical-Augsburg Church in Poland (2011). J.c. act on the basis of the laws of 1989–1997 determining the relationship of the state to a particular church, the Act of 1989 on the guarantees of freedom of conscience and religion and the Act of 1996 on the Council of Ministers. J.c. and the groups are an institutionalised form of relations between the state and the churches in Poland, their meetings constitute a forum for the exchange of information, exchange of opinions, reconciliation of positions of interest to the government and the church. Members of the commissions and groups cannot incur legal obligations during their deliberations. The findings agreed upon are binding for the Council of Ministers and its subordinate bodies. They have a character of political commitments and they are transferred to the next ruling parties. At the meetings of each commission and group, the government is represented by a representative of the central specialised religious administration body (the minister competent for internal affairs) and the representatives of the bodies that supervise religious matters within their subject-matter, namely ministers competent for education, social policy, culture, health. [B. Górowska]

Literature: *Komisja Wspólna Przedstawicieli Rządu Rzeczypospolitej Polskiej i Konferencji Episkopatu Polski w archiwaliach z lat 1989–2010* [Joint Commission of Representatives

of the Government of the Republic of Poland and the Polish Episcopate Conference in archives from 1989–2010], selection and scientific ed. P. Borecki, C. Janik, Warszawa 2011 ■ G. Rydlewski, *Geneza i tryb przygotowania ustawodawstwa wyznaniowego w Polsce z 1989 r.* [Genesis and mode of preparation of religious legislation in Poland in 1989], [in:] B. Górowska, G. Rydlewski, *Regulacje prawne stosunków wyznaniowych w Polsce. Zbiór przepisów i dokumentów (stan na 31 października 1992 r.)* [Legal regulations of religious relations in Poland. Collection of regulations and documents (as of 31st October 1992)], Warszawa 1992.

K

KEYNES, JOHN MAYNARD (1883–1946) – a British economist, principal theoretician of state intervention (introduced by many countries in the 1930s after the great economic crisis of 1929–1934). In his opinion, the main disadvantages of capitalism, such as crises of overproduction, unemployment, poverty of a part of society, etc., can be overcome within this system by rational, active control by the authorities of the size of investment, on which the level of employment and effective demand depends. To ensure economic balance and thus prevent crises, the state should stimulate private investment and launch public projects financed by government loans. **Keynesianism**, as an alternative to neoclassical economics, has developed in particular a critique of the "economic anarchy" of laissez-faire capitalism. In *The General Theory of Employment, Percentage and Money* (1936), K. challenged the classical way of economic thinking and rejected the resulting belief in a self-regulating market. K. argued that the level of economic activity, and hence the unemployment rate, are limited by the total demand in the economy. If wages are cut off, then the purchasing power of the money will decrease, and thus the demand will increase. In times of high unemployment, K. recommended that the government revive the economy by increasing public spending or by lowering taxes. Spending money by the government works as an "injection" of demand to the market. By building a motorway, for example, the government creates jobs for construction workers and demand for building materials. The effects of this action will spread to the entire economy – for example, construction workers will have more money and thus they will be able to buy more goods. K. described this as a multiplier effect. At the same time, tax liabilities are a "withdrawal" of money from the economy, because they reduce global demand and weaken economic activity. The problem of unemployment can be solved not by the invisible hand of capitalism, but by government intervention – in this case by maintaining a budget deficit, which means that the government spends, quite literally, too much. Keynesian demand management gave governments the ability to manipulate employment and growth rates, and as a result to secure general well-being. K. was also the author of the casino theory – he argued that the stock exchange works like a casino because it is dominated by short-term speculative transactions. [J.G. Otto]

Literature: D. Begg, S. Fischer, R. Dornbusch, *Ekonomia* [Economy], Warszawa 1999 ■ L. Dubel, A. Korybski, Z. Markwart, *Wprowadzenie do nauki o państwie i polityce* [Introduction to science on state and politics], Kraków 2002 ■ A. Heywood, *Ideologie polityczne*. *Wprowadzenie* [Political ideologies. An introduction], Warszawa 2008.

KEY PERFORMANCE INDICATORS (KPI), also known as **key efficiency indicators** – indicators that concentrate on the aspects of the organisation's functioning, which are the most important for the current and future success of this organisation. In the broadest perspective, KPIs are financial and non-financial indicators that allow to assess all the most important (key) areas of the organisation's activities from the point of view of achieving its strategic goals. KPIs in this approach are a set of indicators focusing on those organisational aspects that are key to the organisation's current and future success. In a narrower sense, KPIs do not include Key Result Indicators, i.e. the measures of key performance effects (result and impact indicators). KPIs in a narrow perspective have seven features: non-financial nature, timeliness (they are often measured), they are supervised by senior management, they are simple (understandable), team-based, they have a significant impact on the organisation and they limit the "dark side" (undesirable behaviour). KPIs are used both in private sector entities and in public units within a management control system or task budgeting. It is recommended to define not more than nine KPIs for an organisation. [T. Strąk]

Literature: D. Paramenter, *Kluczowe wskaźniki efektowności (KPI). Tworzenie, wdrażanie i stosowanie* [Key performance indicators (KPIs). Creation, implementation and use], Gliwice 2016 ■ T. Strąk, *Modele dokonań jednostek sektora finansów publicznych* [Models of achievements of public finance sector entities], Warszawa 2012 ■ *Value Based Management. Koncepcje, narzędzia, przykłady* [Value Based Management. Concepts, tools, examples], ed. A. Szablewski, K. Pniewski, B. Bartoszewicz, Warszawa 2008.

L

LEGAL PERSONALITY OF LOCAL GOVERNMENT – a constitutional principle: units of local government acquire legal personality at the moment they are created. Local-government units have the legal capacity and capacity to perform legal acts. Issues related to the implementation of this principle are assessed by compliance with the regulations of the Civil Code. The granting of legal personality to local-government units results from their possession of → municipal property, their financial autonomy, and the need to appear in legal proceedings on their own behalf and at their own responsibility. The → auxiliary units of the municipality (districts, housing estates, or rural districts) do not have legal personality, their activity, within the scope of tasks and competences defined by the municipality's statute, is carried out within the legal personality of the municipality. The issue of having legal personality by local-government units is connected with their self-reliance and independence. Self-reliance of local-government units is subject to judicial protection (the right to file a complaint with the administrative court). As regards bodies of local-government units, presumption of power of making statements of will is assumed by the executive bodies. Detailed rules of submitting declarations of will on behalf of individual local-government units are governed by local-government law (in relation to the municipality, the county, and self-government voivodship) and the statutes of the units concerned. (→ local government) [J. Wojnicki]

Literature: M. Kulesza, *Budowanie samorządu* [Building local government], Warszawa 2008 ■ Z. Leoński, *Nauka administracji* [Theory of administration], Warszawa 2010 ■ E. Ochendowski, *Prawo administracyjne (część ogólna)* [Administrative law (general part)], Toruń 2013.

LEGISLATIVE INITIATIVE OF RESIDENTS (civic legislative initiative) – a tool of → direct democracy for those residents of a municipality, county and voivodship who have an active electoral right to elect a representative body, allowing them to submit a draft resolution to the competent authorities of the → local government unit. The specified minimum thresholds for the number of signatures of residents supporting the project (which is a condition of giving the initiative a further course) depend on the type and size of the unit. The minimum number of signatures is: in a municipality of up to 5,000 residents – 100, in a municipality of up to 20,000 – 200, in a municipality over 20,000 – 300; in a county up to 100,000 residents – 300, in a county above 100,000 – 500; in a voivodship – signatures of 1 thousand residents. A draft resolution submitted by authorized residents of a local government unit becomes the subject of the council/sejmik's nearest session, but no later than three months after the

submission of the project. Detailed rules regarding: bringing in civic initiatives, creating committees of legislative initiatives, promotion of civic legislative initiatives and formal requirements that must be met by submitted projects, are specified in a council/sejmik resolution. This form of → participatory democracy was introduced in 2018, thanks to the adoption of the Act amending certain acts in order to increase the participation of citizens in the process of selecting, functioning and controlling some public bodies. [B. Węglarz]

Literature: B. Węglarz, *Ewolucja lokalnej demokracji bezpośredniej w Polsce po 1989 roku* [The evolution of local direct democracy in Poland after 1989], Kraków 2013.

LEIPZIG CHARTER ON SUSTAINABLE EUROPEAN CITIES – it is a document of the EU member states (adopted at the informal ministerial meeting on 24–25.05.2007, Leipzig). L.Ch. emphasizes that cities are valuable and irreplaceable economic, cultural and social goods, they have strong mechanisms of social integration and exceptional opportunities for economic development. They are centres of knowledge and innovation. Demographic problems, social inequality, exclusion of certain population groups, lack of suitable and affordable housing, and ecological problems occur in them. The parties drew attention to the necessity to coordinate sectoral policy at all levels of government and among them and the need for an integrated and professional approach to urban planning. In L.Ch. the following recommendations were adopted: the use of an integrated approach to urban development policy on a larger scale; creating and providing high-quality public spaces; modernization of infrastructure networks and improvement of energy efficiency; active innovation and education policy; drawing attention to the poorest districts in the context of the city as a whole; implementation of the quality strategy of the physical environment; strengthening the local economy and labour market policy; planning an efficient and cheap urban transport. Signatories of the L.Ch. note that urban development policy should be determined at the national level, which in cooperation with other levels of government should provide innovative incentives. In May 2016, the Amsterdam Pact establishing the EU Urban Agenda was adopted at the informal meeting of ministers of the EU member states for urban development. [I. Macek]

Literature: http://agendastad.nl/about-us/ ■ http://projektymiejskie.pl/wp-content/uploads/2016/04/karta_lipska_pl.pdf.

LETAPRIVATION (Polish: letaprywacja) – treatment of the state public administration by employees and officials as "nobody's good", from which property and organisational assets can be officially taken over, using state-created legal mechanisms. The essence of the phenomenon of l. is that by legalizing certain forms of interest or using the existing law, public officials in collaboration with the business sphere benefit from public property. This means using the law or legal loopholes to achieve personal gain. In this situation, the principle of equality before the law is broken and it is used for private purposes. The phenomenon

of l. can occur on several levels. First of all, it affects the process of economic transformation, especially privatization. The privatization process, unprepared for legal infrastructure and prolonged ownership transformation programme, can create conditions for increasing the tendency to: circumvent the law, exploit legal loopholes, interpret the law by those who have formal and informal influence on it, or create law – in a favourable way. Second of all, it can mean creating the law for the use of one person or a group of people. Established law refers to a very narrow group of people – usually businessmen, less often directly to politicians– and provides them with a material advantage or improves their situation in another way. In the third case, it is about appropriating the organisational part of the state and then deriving legal income and profits from it. As part of the phenomenon of l., one can observe receiving high allowances, compensation pay or broader – using public property, interpreting the law to one's own advantage thanks to a significant position in the hierarchy. The term l. is linked to grey corruption, i.e. a behaviour that is morally reprehensible, but escapes unambiguous legal assessment (→ corruption). It includes bribery, within which purchases of orders, contracts and other government benefits are being done, concessions, judicial decisions and avoiding tax or duty obligations. Some hard-to-eliminate forms of using the office position for personal or family use – such as using business car for out-of-office use, using business phone calls for private conversations, theft of office supplies such as using business paper or toner for private purposes, charging private phones at work, receiving small gifts from private companies – pens, notebooks, calendars, are also classified as characteristic for l. [J. Itrich-Drabarek]

Literature: *Administracja publiczna* [Public administration], ed. A. Błaś, J. Boć, J. Jeżewski, Wrocław 2003 ■ J. Itrich-Drabarek, *Uwarunkowania, standardy i kierunki zmian służby cywilnej w Polsce na tle europejskim* [Conditions, standards and directions of changes in the civil service in Poland against the European background], Warszawa 2010.

LOBBYING (lobbying activity) – any activity carried out by lawful means aimed at influencing the public authorities in the law-making process. This definition is included in the Act on lobbying in the law-making process. Institution of l. is connected with the functioning of civil society as a solution to the problems of formal democracy – the authority must, factually and in a concrete way, speak with interest groups or individual citizens interested in legal solutions introduced by the state, and the lobbyist acts as a defender or represents the force with which the legislature must reckon with. In the United States, the rules of l. are defined by law, in Germany its rules of procedure are set by the Bundestag's statute, similar legal and customary regulations are found in Great Britain. L. in the public administration may be of two kinds: the administration may be subject to pressures imposed on it by persons, interest groups, politicians of political parties, or officials themselves may exert pressure at the stage of project creation, internal and inter-ministerial arrangements. L. promotes political corruption

if there are ambiguous regulations in relations among lobbyists, officials or politicians (→ corruption). In the Polish legal system, apart from the statutory definition of lobbying activity (l.a.) the term "professional lobbying" was also introduced that means for-profit l.a. and for the benefit of third parties, in order to take into account the interests of these persons during the law-making process. This activity can be carried out by both the entrepreneur and the natural person who is not an entrepreneur on the basis of a civil-law contract. In order to ensure the transparency of the entities performing the professional l.a., a special register has been created, maintained by the minister responsible for public administration in the form of a database. The register contains the following data: company, registered office and address of an entrepreneur performing professional l.a., or the name and address of a natural person who is not an entrepreneur performing professional l.a.; in the case of entrepreneurs performing professional l.a. – the number in the register of entrepreneurs in the National Court Register, if any, and the tax identification number (NIP). The register is open and the information contained therein is made public in the Public Information Bulletin, excluding the places of residence of natural persons. (→ connections between public administration and interest groups) [J. Itrich-Drabarek, K. Mroczka]

Literature: M. Kalinowski, *Lobbing w świetle teorii wyboru publicznego* [Lobbying in the light of the public choice theory], Łódź 2016 ■ B.G. Peters, *Administracja publiczna w systemie politycznym* [Public administration in the political system], Warszawa 1999 ■ J. Świeca, B. Piwowar, *Lobbing* [Lobbying], Warszawa 2010.

LOCAL ADMINISTRATION – bodies of local → government administration that operate only on a strictly defined territory. Local government administration is divided into the so-called joint and non-joint administration. The **joint administration** is composed of managers of joint services, inspections and guards operating under the authority of the voivode, performing the tasks and competences specified in the statutes. The **non-joint administration** (the so-called special administration) consists of entities subordinated to competent ministers, heads of state legal persons and heads of other state organisational units performing tasks in the scope of government administration on the territory of the voivodship. The activities of non-joint administration bodies are based on the principle of centralisation, they operate within the framework of the basic territorial division of the country or special divisions. [E. Szulc-Wałecka]

Literature: M. Kulesza, H. Izdebski, *Administracja publiczna: zagadnienia ogólne* [Public administration: general issues], Warszawa 2004 ■ *Zarys prawa administracyjnego* [An outline of administrative law], ed. B. Szmulik, S. Serafin, K. Maskowska, Warszawa 2007.

LOCAL COMMUNITY – local society, a group of people inhabiting a given territory, organised into a local-government association (municipality), forming a social system with common local interest, common goals and activities. This

group is also characterized by a significant degree of social integration, is based on strong, emotional bonds, and has a common identity, determined by local factors. The community is separated from the collective on the basis of psychological, spatial and social factors. Membership in it is also established by virtue of the law, as a result of acquiring a specific characteristic by a person, e.g., residence in the area of a given local-government unit (municipality, county). L.c. differ in their character due to the area – they function differently in rural areas, and differently in the city (in the urban zone). The city space, especially the large one, promotes anonymity and weaker interpersonal relationships, which are much stronger in rural areas. However, also residents of the city, even a very large one, have a sense of belonging, identity and common interest. In a big city classic l.c. are formed within housing estates and direct neighbourhood. [A. Jarosz]

Literature: Z. Bukowski, T. Jędrzejewski, P. Rączka, *Ustrój samorządu terytorialnego* [The system of local government], Toruń 2011 ■ B. Dolnicki, *Samorząd terytorialny* [Local government], Warszawa 2016 ■ A.K. Piasecki, *Samorząd terytorialny i wspólnoty lokalne* [Local government and local communities], Warszawa 2009.

LOCAL DEVELOPMENT – the process in which such actors as local authorities, institutions, organizations and private entities use local opportunities and resources while carrying out activities in different fields for the benefit of local society and its members. In the Polish three-tier system of local government, l.d. refers to two levels: local communes and poviats (the secondary trier of local government in Poland) with the emphasis on local communes. The local government is expected to be the driving force of l.d. with the widest representation of the interests of local society. L.d. is characterized by the following properties: it is an ongoing process so it cannot be accomplished at one time; it refers to a territory, so the development is territorial and not sectoral; the fact that l.d. pertains to the local system fosters the mobilization of the community, it evokes the feeling of belonging to the society and to the territory; initiatives, creativity and ingenuity of local actors largely depend on the their awareness that they have influence on formulating and performing the strategy of local development; l.d. is an example of the autonomous model of development, which is based on the potential of a given unit, which fosters involvement of local actors in the process; it gives the feeling of independence and awareness to decide about one's own destiny; l.d. should be created by different actors whose activities are based on cooperation and collaboration and the score of their mutual negotiations should lead to the creation of an acceptable program; it is the local authorities that undisputedly play a key role in the creation of local development. Currently l.d. is increasingly determined by material factors and mutual connections as well as by the mutual impact of non-material factors. The l.d. factors are the components or properties of a given territory or phenomenon present within its borders, which gives rise to a change in its state, i.e. it influences its socio-economic development. The characteristic feature of l.d. is a relatively

small mobility of the main development factors. L. d. is analyzed in many dimensions, many different classifications are presented in subject literature. One of them divides l.d. into 5 dimensions: social-cultural, environmental, infrastructural, economic and spatial. Each one of them includes a set of different features and factors which determine l.d. The social-cultural dimension embraces population, education, professional skills, local society integration, living conditions, institutions and social services. The environmental dimension includes: environmental components and resources, the state of pollution and destruction of the environment, ecological infrastructure and ecological awareness. The infrastructural dimension includes local and supraregional technical infrastructure; organization of infrastructure sectors; infrastructural gap, infrastructural reserves and infrastructural investments. The economic dimension includes: economic resources, business activity according to sectors and branches; economic functions, local and regional markets, economic base of cities and regions; external benefits, social costs, common goods and cities' competitiveness. The spatial dimension includes land management, functional-spatial systems; spatial availability; composition and spatial order; spatial values. L.d. is one of the main factors of → regional development and reinforcement → region competitiveness. (→ local society; municipality; communal economy; regional development) [M. Balcerek-Kosiarz]

Literature: A. Jewtuchowicz, *Dynamika rozwoju terytorialnego a procesy restrukturyzacji gospodarczej* [Regional development dynamics and economy restructuration processes] [in:] *Aktualne problemy gospodarki lokalnej* [Current local economy problems] ed. A. Zalewski, Warszawa 1996 ■ J.J. Parysek, *Rola samorządu terytorialnego w rozwoju lokalnym* [The role of local government in local development] [in:] *Rozwój lokalny: zagospodarowanie przestrzenne i nisze atrakcyjności gospodarczej* [Local development: spatial planning and niches of economic attractiveness], ed. J.J. Parysek, Poznań 1995 ■ A. Sekuła, *Koncepcje rozwoju lokalnego w świetle współczesnej literatury polskiej – zarys problemu* [Concepts of local development in light of contemporary Polish literature], "Zeszyty Naukowe Politechniki Gdańskiej. Ekonomia" 2001, t. 40.

LOCAL ECONOMY – in general the term defines activities in the social and economic sphere, which enable achieving local government development by taking advantage of local development factors. It is the process, in which local authorities stimulate the economic growth of a particular territorial unit by utilizing its own resources, which include the local society's and external partners' resources and utilization of external partners' resources (capital). In the functional sense of commune economy it is highlighted that the aim of commune economy is social and economic growth, which is manifested mainly by: continuing improvement of quality of life, inflow of new and stable investments and growth of local inhabitants' creativity mainly in economic, technological, environmental, spatial, social and cultural innovations. The development effect is the adjustment of commune economy to civilization standards, functioning in its surroundings and simultaneously maintaining and respecting their own local specifics, so called

economic-spatial identity (→ local community; commune; local development) [M. Balcerek-Kosiarz].

Literature: E. Farelnik, W. Wierzbicka, *Miejska gospodarka lokalna w ujęciu holistycznym* [Local municipal development – a holistic approach], [in:] *Gospodarka lokalna w teorii i praktyce* [Local economy in theory and practice], ed. R. Brol, A. Sztando, A. Raszkowski, Prace Naukowe Uniwersytetu Ekonomicznego we Wrocławiu, 2014, no. 332 ■ J.J. Parysek, *Rola samorządu terytorialnego w rozwoju lokalnym* [The role of local government in local development] [in:] *Rozwój lokalny: zagospodarowanie przestrzenne i nisze atrakcyjności gospodarczej* [Local development: spatial planning and niches of economic attractiveness] ed. J.J. Parysek, Poznań 1995.

LOCAL GOVERNANCE – one of the trends of governance, which refers to changes and interactions taking place at the local level. It can be defined as a more or less polycentric system in which many actors – authorities, private and social actors – are involved in the local decision-making process. This concept assumes that the institutional structure of governance is decentralized and fragmented, with a range of cooperation networks playing an important role. The core of the decision-making process are not representative bodies, but rather interactions between them and other entities, actors, stakeholders. The role of leadership, e.g., directly elected village mayors/mayors, also significantly increases. In addition, l.gov. changes the role of central government – although it is still the leading entity, its involvement in the local sphere does not consist in continuous control, but rather in making small, necessary interventions and corrections. L.gov. also emphasizes the need for continuous learning and adaptation to changing conditions and needs. This can be seen both in the institutional sphere and in the practical implementation of local public policies. Two basic stages can be distinguished in the development of l.gov. The first one – consisting in incorporating innovative elements into the traditional government and defining changes. The second one – focusing on the influence of governance practice on the functioning of two basic levels of self-government – democratic (participation of citizens) and functional (local benefits). Principles of l.gov. were implemented mainly in Anglo-Saxon and Scandinavian countries. (→ governance) [K. Radzik-Maruszak]

Literature: M. Bevir, *Key Concepts in Governance*, SAGE, Los Angeles–London 2009 ■ B. Denters, *Local governance*, [in:] *The SAGE Handbook of Governance*, ed. M. Bevir, Berkeley 2011 ■ P. John, *Local Governance in Western Europe*, London 2001.

LOCAL GOVERNMENT – the basic form of public authority decentralization, which consists of the performance of a substantial part of public tasks by local government units independently and at their own responsibility. L.g. units are selected by lawfully created local and regional communities (local community), in accordance with legal acts and with the use of direct democracy instruments (in particular → referendum), under the supervision (which presently means

overseeing compliance with the law)of state administration bodies (→ supervision of local government). L.g. constitutes a vital instrument of socializing the exercise of public authority (in the broader sense) and at the same time, the implementation of the → principle of subsidiarity in the classic sense. The functioning of an appropriately strong l.g. is an international standard, in particular recognized in → the European Charter of Local Self-Government, ratified by the Republic of Poland in 1994. L.g. is an expression of a wider category of the vertical division of authority found in democratic countries along with the classic horizontal division (tripartite separation of powers). In a unitary (homogenous) state, such as the Republic of Poland, l.g. is territorially decentralized (in accordance with the Constitution of Poland the territorial system ensures the decentralization of public authority) part of executive power, and hence of → public administration. In federations and countries based on regional autonomy (Spain and Italy) territorial decentralization also includes the legislative authority, and in federations it may also apply to the judiciary. In larger countries, next to the – older – local government, in particular the municipal government, there is also the regional government. Since the restoration of local government in Poland in 1990, l.g. consists of → municipalities as basic units and (since 1999) → counties, along with the municipalities as units of local government, and (also since 1999) → voivodships as units of regional government. L.g. units have legal personality and their independence is subject to the constitutionally guaranteed judicial protection. L.g. entities are supervised by voivodes and the President of the Council of Ministers, and in financial matters → regional audit chambers. L.g. is appointed to perform public tasks in order to meet the needs of the local community – as → own tasks. In relation to these tasks a double presumption is assumed that corresponds to the essence of the principle of subsidiarity: l.g. performs public tasks that are not reserved by the Constitution or the law for other public authorities and the municipality performs all tasks of l.g. which are not reserved for other l.g. units. This means that in the case of county and voivodship tasks, these must be clearly specified by law (however the law on voivodship self-government gives overall competence with respect to the development of the voivodship), but the range of tasks of the municipality is defined in a general manner as all public affairs of local importance, not reserved by law for other entities, whilst narrowing their freedom of implementing tasks by the case-law of the supervisory bodies and the administrative courts. L.g. units should be equipped with means appropriate to the entrusted tasks (in accordance with the constitutional principle of appropriateness), which is not always the practice. Besides their own tasks l.g. units may have legally delegated specific government administration tasks (→ assigned tasks), and they may also, by way of agreements, take over the performance of other tasks lying in the scope of government administration and other l.g. units (→entrusted tasks). According to European tradition, the bodies of l.g. units are divided into constitutive and implementing bodies. → L.g. constitutive and audit bodies (municipality and county councils,

voivodship sejmiks) are elected through universal elections, equal and direct, conducted by secret ballot. In the case of → l.g. implementing bodies, there is a fundamental difference between municipalities and other l.g. units: since 2002 in the communes the single person implementing authorities (village mayor/mayor/president of the city) are chosen in direct elections, whereas in counties and voivodships the boards, which are collegial bodies (chaired respectively by starosts and marshals), are traditionally chosen and dissolved by constitutive bodies. [H. Izdebski]

Literature: B. User, *Local government*, Warsaw 2016 ■ *Encyclopedia of local government*. K. Miaskowska-Daszkiewicz, B. Szmulik, Warsaw, Poland 2010 ■ H. Izdebski, *Local government. The base of the structure and activities*, Warsaw, Poland–2014.

LOCAL GOVERNMENT ADMINISTRATION → LOCAL GOVERNMENT

LOCAL GOVERNMENT BOARDS OF APPEALS – state budget entities that are higher-level bodies within the meaning of the c.a.p. and the tax ordinance in individual matters in the field of public administration belonging to the properties of local government units (l.g.u.), unless specific provisions provide otherwise. The main task of l.g.b.a. is to perform instance control and extra-instance supervision over the activity of the l.g.u. in individual matters in the field of public administration. L.g.b.a. operate in the areas of their local jurisdiction, which is determined by the regulation of the President of the Council of Ministers (as of 2019 – there are 49 boards).

The l.g.b.a. consist of full-time and contracted employees. Membership in l.g.b.a. cannot be combined with other functions: a deputy's or senator's mandate, a councillor's mandate or membership in an executive body of the l.g.u.; employment in the municipality office, starost's or marshal's office; membership in the council of the Regional Audit Chamber. Full-time membership of the board cannot be combined with employment as a judge, court assessor or prosecutor and employment in the same voivodship in the state administration. The l.g.b.a. bodies include the president and general assembly (president, vice presidents and other members). The president's competences include, in particular, directing the works of the l.g.b.a., representing it outside, appointing the chairs of the adjudicating panels or issuing signalling provisions (in the case of significant deficiencies in the work of the body of l.g.u.). The general assembly's competences include, among others, adopting organisational rules of the board, selecting members of the competition commission and candidates for the president of the board.

L.g.b.a. are bodies competent in particular to examine appeals from → administrative decisions, complaints about orders, reminders, requests to resume proceedings or annul the decision. As a rule, the board adjudicates in a three-member composition after the hearing or in a closed session. Decisions, as a rule, are issued in the form of orders or decisions. When adjudicating, mem-

bers of adjudicating panels are bound only by the provisions of generally applicable law (independence of adjudication). Control over the jurisdiction of the l.g.b.a. is performed by administrative courts, while the supervisory body in the field of administrative activity of l.g.b.a. is the president of the council of ministers. [B. Węglarz]

Literature: R. Bucholski, J. Jaśkiewicz, A. Mikos-Sitek, *Samorządowe kolegia odwoławcze w systemie administracji publicznej* [Local government boards of appeals in the public administration system], Warszawa 2016 ■ M. Kotulski, *Samorządowe kolegia odwoławcze: wybrane uwagi na tle ustawy o samorządowych kolegiach odwoławczych* [Local government boards of appeals: selected remarks against the background of the act on local government boards of appeals], "Samorząd Terytorialny" ["Local Government"] 2001, no 6.

LOCAL GOVERNMENT ELECTIONS CAMPAIGN – conducting electoral campaigning, which means inducing or encouraging the voting in a particular way or to vote for a candidate of a particular electoral committee. It starts on the day of announcement of the election by the → President of the Council of Ministers and ends 24 hours before the day of voting (so-called electoral silence – ban on agitation). Any public and consolidated information produced by the electoral committee, transmitted in connection with the elections for local government is considered electoral material. During the campaign it is forbidden to conduct the campaigning: at the offices of government and local-government administration and courts; on the premises of work establishments in a manner and in ways that interfere with their normal functioning; on the premises of military units and other organisational units subordinate to the minister responsible for national defence and civil defence units subordinate to the minister relevant for the interior; on the school grounds to the students. Electoral committees whose candidates have been registered have the right to distribute free of charge electoral programmes in public radio and television broadcasters from the 15th day before election day to the end of the election campaign at the expense of those broadcasters. [J. Wojnicki]

Literature: Z. Bukowski, T. Jędrzejewski, P. Rączka, *Ustrój samorządu terytorialnego* [The system of local government], Toruń 2013 ■ K.W. Czaplicki et al., *Kodeks wyborczy. Komentarz* [Electoral Code. A commentary], Warszawa 2014.

LOCAL GOVERNMENT EMPLOYEES – employed in local government organisational units, subject to the principles of professional pragmatics – labour law provisions, established for the purpose of professional, reliable and impartial performance of public tasks by local government. A separate act on local government employees applies to the following types of offices and other entities of local government units: marshal offices, county starosts, municipal offices together with their organisational units as well as budget units and budgetary institutions, union offices and self-government budgetary institutions established

by these associations, administrative units' offices. Employment in local government takes place on the basis of selection, appointment or employment contract. L.g.e. are employed in positions of: officials, including official managerial positions, ancillary and servicing. L.g.e. may be a person who: is a Polish citizen (with exceptions), has full legal capacity and enjoys full public rights and has the professional qualifications required to perform work in a given position. L.g.e. hired on the basis of selection or appointment cannot, additionally, be sentenced by a valid court sentence for an intentional offense prosecuted by public prosecution or intentional tax offense. On the basis of an employment contract for an official position a person may be employed who additionally has at least secondary education, was not convicted by a valid court sentence for an intentional crime prosecuted by public prosecution or intentional tax offense and has impeccable repute. A person who has at least three years of work experience or has been performing business activity for at least three years in accordance with the requirements of a given position and has a university degree may be employed for a managerial position. The act also specifies, among others, rules for completing by l.g.e. the preparatory service, obtaining a periodic assessment or a ban on performing activities that conflict with the held position. (→ official; right to access to public service) [P. Antkowiak]

Literature: B. Dolnicki, *Samorząd terytorialny* [Local government], Warszawa 2016.

LOCAL GOVERNMENT REFORM (in Poland) – implemented after 1989 in two stages – systemic transformations concerning the system of bodies of authority and territorial division of the state. The first stage was done in 1990 – the restoration of local government at the municipal level; the second stage of 1998 – the expansion of local government through the creation of the county self-government and the voivodship self-government. The local government reform of 1990 consisted in changing the character of the municipal system. There was a fundamental change at that time, though not always perceived by citizens. For the local government to exist, the local community must be able to and also know how and be willing to manage its own affairs (→ local community). And that means that a system is need that gives the right options, but there must also be a conscious civic community that wants to participate in public life and is able to make the right decisions together. The development of local government institutions and the introduction of new units of this local government meant a very significant change in the structure of public authority in the state. After this change, a significant strengthening of the state's capacity for efficient functioning was expected. Also, far-reaching practical consequences were expected, which allowed to complete the cycle of political transformations in accordance with constitutional norms and modern tendencies in the organisation of the state apparatus. The term "local government reform" is not very precise, because it is not the local government that is the subject of the reform, but the state is

reformed with the help of local government. The disadvantages of this term can easily be noticed, considering the realities – the introduction of the county self-government and the voivodship self-government cannot be considered as reforming this self-government, because it did not exist before 1st January 1999. The term "local government reform" also cannot refer to basic local-government units (municipalities), because their system has not changed since the reactivation of municipal self-government in Poland. L.g.r. was very strongly associated with the expectations of increase in the efficiency of the state apparatus in the effective undertaking of restructuring and modernization projects. It was and is treated as a necessary condition for the preparation of state institutions to initiate reforms of specific areas of public authorities' activity – schooling and education, transport and public roads, health care, social care, popularization and development of cultural heritage, environmental protection, modernization of rural areas, prevention of unemployment, professional activation. The objectives of the local government reform were: to create an efficient, competent public administration that acts economically, whose local-governmental part would take over the responsibility for the vast majority of public services performed in whole or in part, free of charge, and the governmental part will limit its state administration functions to responsibilities of governance in the state which will greatly strengthen its ability to take up challenges in matters strategically important for the whole country; the use of territorial decentralization (i.e. decentralization resulting from the development of local government institutions) to transform the state into a system organised in accordance with the → principle of subsidiarity; transparency of public administration activities by providing citizens with broad access to information on the activities of both parts of the administration; strengthening civil public finance control through public finance law reform functionally linked to the decentralization of public authority and to create as a result of decentralization a more cost-effective and more efficiently functioning system of public finances; creation of voivodship self-government as strong subjects of regional development policy, entitled to formulate and implement their own priorities of this policy. (→ decentralisation; local government) [B. Marczewska]

Literature: B. Dolnicki, *Samorząd terytorialny* [Local government], Warszawa 2012 ■ H. Izdebski, *Samorząd terytorialny. Podstawy ustroju i działalności* [Local government. The fundamentals of the system and activity], Warszawa 2014.

LOCAL GOVERNMENT UNIT – a public law entity whose component is a community living in a specific territory. The Constitution of the Republic of Poland mentioned only the municipality by name and indicated that it is the basic l.g.u. However, the Constitution provides for the possibility of establishing other units at local and regional levels. As part of the second stage of the → local government reform in Poland in 1998, a fundamental three-tier → territorial division of the state was introduced, creating a three-level system of local government,

which consists of: → municipality, → county, → voivodship. These units are not hierarchical with regard to each other, although their layout resembles a rung structure. In the organisational sense, the voivodship consists of counties, and the latter consists of municipalities. However, the units are not dependent on each other, they have neither executive powers nor are they supervisory and control bodies or higher level authorities in administrative proceedings. They were established in order to carry out public tasks performed on their own behalf and at their own responsibility. Tasks can be implemented directly by residents who have at their disposal tools of direct or indirect democracy – by representatives (→ councillors). L.g.u. have legal personality and independence, which is subject to judicial protection. (→ local government, municipality, county, voivodship [B. Węglarz]

Literature: Z. Bukowski, T. Jędrzejewski, P. Rączka, *Ustrój samorządu terytorialnego* [The system of local government], Toruń 2011 ■ B. Dolnicki, *Samorząd terytorialny* [Local government], Warszawa 2012 ■ H. Izdebski, *Samorząd terytorialny. Podstawy ustroju i działalności* [Local government. The basics of the system and activity], Warszawa 2011.

LOCAL INITIATIVE – a form of cooperation between local government and residents in the implementation of a public task for the benefit of the local community; civic activity tool. L.i. concerns activity of a specific group of people, which is governed by specific goals and principles. It should meet two conditions: 1. it concerns the satisfaction of needs of the local community as a whole (it may refer to a specific group, but with the intention of positive effects serving the wider community); 2. more than one entity is involved, and its aim is to solve problems and carry out tasks in partnership. A non-governmental organisation may participate in the l.i. L.i. usually concerns matters falling within the tasks belonging to the municipality. A formal condition for the functioning of this tool of civic activity is the adoption by a local-government unit of a resolution specifying the procedure and detailed criteria for the assessment of applications for the implementation of a public task under l.i. In practice l.i. means that the residents, recognizing any specific undertaking/investment/action as necessary, submit a written request to the executive body of the local-government unit, which assesses the submitted proposal and decides whether to accept or reject it, followed by the conclusion of a cooperation agreement or withdrawal of parties from the implementation of the undertaking. The agreement sets out the obligations of the parties and the cooperation schedule. Citizens declare participation in the implementation of l.i. by providing social work, financial or material contribution. Local government does not generally transfer money to applicants – it supports the initiative group substantively or organisationally. Partial financial support of the initiative is possible with the proviso that as part of the implementation of the l.i. this financial contribution will not go to the applicants but will be disbursed directly by the executive body in accordance with public procurement law. [E. Szulc-Wałecka]

Literature: G. Gęsicka, *Partnerstwo w rozwoju lokalnym* [Partnership in local development], Katowice1996 ■ *Inicjatywa lokalna krok po kroku* [Local initiative step by step], Sieć wspierania organizacji pozarządowych SPLOT, Warszawa 2013.

LOCAL LAW ACTS ADOPTED BY THE COUNTY– regulations in force in the county issued on the basis of statutory authorization by the bodies authorized to do so, i.e. county local government (→ local law). The county self-government has law-making powers, which relate primarily to the creation of l.l.a. The county council constitutes the l.l.a. applicable in the county area, based on and within the limits of the authorizations contained in the statutes – which means that they require explicit authorization contained in the act. Local law is made by the county council in the form of resolutions, unless the statutes provide otherwise. Depending on the criterion adopted, the following types of county l.l.a. may be distinguished: executive acts issued on the basis of specific legislation; acts issued on the basis of a general clause; acts issued by the county council; acts issued by the county board; local regulations for the implementation of laws; constitutional and organisational acts; orderly regulations. The county council issues acts concerning, in particular: matters requiring regulation in the statute; a special mode of managing the county's property; rules and mode of using county facilities and public utilities. In addition, in particularly justified cases, to the extent not regulated separately or not regulated by other generally applicable regulations, the county council issues acts regarding law and order related to the need to protect life, health or property of citizens, environmental protection or ensuring order, peace and public safety. However, these regulations are provided by the county council when the reasons justifying their release occur in the area of more than one municipality. In the order regulations issued by the county, a fine may be foreseen for violation thereof, which is imposed in accordance with the procedure and rules specified in the law on offenses. Exceptionally, in urgent cases, the order regulations can also be issued by the executive body – the county board, in a form of an ordinance. However, the continuation of such an ordinance requires approval by the county council. L.l.a. established by the county are subject to publication in the voivodship official journal. (→ publication of local law acts) [S. Kozłowski]

Literature: B. Dolnicki, *Samorząd terytorialny* [Local government], Warszawa 2016.

LOCAL LAW ACTS ADOPTED BY THE LOCAL BODIES OF THE GOVERNMENT ADMINISTRATION – provisions in force in the voivodship issued on the basis of statutory authorization by the bodies authorized to do so, i.e. local bodies of the government administration (→ local law). The voivode and bodies of the non-joint governmental administration have the law-making rights that refer to the creation of legal acts in force in the voivodship or its part. L.l. must be based on the authorizations included in the acts, and the bodies of the non-joint governmental administration are obliged to agree with the voivode on such legal acts. The voivode in the scope not regulated by statutes or universally binding

regulations may issue order regulations in the event of the need to protect life and health of citizens and to ensure order, peace and public safety. Order regulations issued by the voivode must be forwarded immediately to the President of the Council of Ministers, the voivodship marshal, starosts and village mayors/mayors/presidents of cities depending on the local jurisdiction. The voivode's ordinances may provide for the fine to be imposed for violation of the provisions contained therein. The President of the Council of Ministers may repeal all acts established by the voivode or bodies of the non-joint governmental administration in the event of: non-compliance with laws or executive acts issued for the purpose of their implementation, non-compliance with the government's policy, violation of the principles of reliability and economy. In the event that the provisions of the ordinance issued by bodies of government administration violate the interest of citizens, they may be sued to the administrative court, which is entitled to order the supervisory body to perform necessary actions for the plaintiff. (→ publication of local law acts) [S. Kozłowski]

Literature: D. Dąbek, *Prawo miejscowe* [Local law], Warszawa 2015.

LOCAL LAW ACTS ADOPTED BY THE MUNICIPALITY – provisions in force in the municipality issued on the basis of statutory authorization by the bodies authorized to do so, i.e. the bodies of the municipal local government (→ local law). Municipality bodies have the right to establish l.l.a. and legal acts that do not contain generally applicable provisions within the limits of their competence and in accordance with the delegation resulting from higher-level acts. L.l.a. have universally binding force, and the scope of their application is territorially limited to the area of a given municipality. Local law is provided by the municipality council in the form of resolutions based on statutory authorizations. The municipality council adopts regulations concerning: the internal system of the municipality and auxiliary units; organisation of municipal offices and institutions; rules of management of the municipal property; rules and mode of using municipal facilities and public utilities; order matters related to the need to protect life, peace and public safety. In situations necessary to protect life, health or property and to ensure order, peace and public safety, to the extent not regulated by laws or other generally applicable regulations, the municipal council may issue order regulations that may stipulate a fine for their violation, imposed in the mode and under the terms of the law on offenses. Exceptionally, in urgent cases, the regulations may be issued by the executive body – the village mayor/mayor/president of the city in the form of an ordinance. The continuation of this ordinance depends on the approval during the nearest session of the municipality council, otherwise it loses its power. L.l.a. established by the municipality are subject to publication in the voivodship official journal. (→ publication of local law acts) [S. Kozłowski]

Literature: D. Dąbek, *Prawo miejscowe* [Local law], Warszawa 2015.

LOCAL LAW ACTS ADOPTED BY THE SELF-GOVERNMENT VOIVODSHIP – provisions in force in the voivodship issued on the basis of statutory authorization by the bodies authorized to do so, i.e. the bodies of the voivodship self-government (→ local law). L.l.a. established by the voivodship are valid in the area of the voivodship or its part. The competent authority to issue them is the → voivodship sejmik on the basis and within the limits of the authorizations included in the acts. L.l.a. are established by the voivodship sejmik in the form of resolutions. The sejmik creates the law within the scope of matters: requiring regulation in the statute of the voivodship; the budget of the voivodship; taxes and fees specified in other acts; principles of managing the voivodship's assets as well as the rules and mode of using voivodship facilities and public utilities. The voivodship's bodies have no competence in establishing order regulations, which distinguishes them from the municipality and county. The rules and mode of announcing l.l.a. by the voivodship is determined by the act. L.l.a. established by the voivodship are subject to publication in the voivodship official journal. (→ local law acts adopted by the local bodies of the government administration; publication of local law acts [S. Kozłowski]

Literature: B. Dolnicki, *Samorząd terytorialny* [Local government], Warszawa 2016.

LOCAL LAW, LOCAL LAW ACTS – the source of the universally binding law of the Republic of Poland in the area of activities of the bodies that set them up (constitutional principle). As l.l.a. one should understand provisions applicable in part of the territory of the Republic of Poland issued on the basis of statutory authorization by the bodies authorized to do so, i.e. local-government bodies and local government administration bodies. In the hierarchy, the sources of law are located in: the Constitution, the ratified agreement, the Act, the ratified international agreements and ordinances. From the point of view of the l.l.a.'s subjective criterion these are acts established by municipal self-government bodies, county self-government bodies, voivodship self-government bodies, a voivode and local non-joint administrative bodies. From the point of view of the legal basis, the following are distinguished: acts containing statutes (municipalities, counties, voivodships), acts containing executive provisions and acts containing order regulations. The latter due to the subject of regulation may take the form of a warrant or prohibition of specific behaviour related to the need to protect the life, health or property of citizens, protect the environment or ensure peace and public safety L.l.a. most often occur in the form of resolutions and orders. (→ local law acts adopted by the municipality; local law acts adopted by the county; local law acts adopted by the self-government voivodship; local law acts adopted by the local bodies of the government administration) [E. Szulc-Wałecka]

Literature: B. Dolnicki, *Samorząd terytorialny* [Local government], Warszawa 2009 ■ M. Kulesza, H. Izdebski, *Administracja publiczna: zagadnienia ogólne* [Public administration: general issues], Warszawa 2004.

LOCAL POLITICS – these are all legal and administrative measures taken by bodies of particular local-government units (county, municipality) on their territory. L.p. can also be understood as the activity of local authorities in the social, economic and cultural sphere under the conditions of permanent game for resources, aimed at finding optimal ways of redistributing them. The essence of l.p. in the practice of socio-economic life consists in defining the methods, standards and scope of performing public tasks and allocating financial and technical resources which are municipal property. L.p. is implemented to meet the collective needs of the local-government community. Its local character means that it is limited in principle to the space delimited by the administrative boundaries of a local community or several communities that engage in local cooperation. The bodies of the territorial authority (e.g., local government) form a local policy with the participation of the government administration (e.g., the representative of the government in the field). The scope of their independence results most often from the specific structure of the state (e.g., the level of deconcentration, decentralization of the state). The essence of l.p. is a strong focus on the particular needs of the → local community and its interests. L.p. may include in particular: local legal acts, economic plans (e.g., budget), special development plans, rules of managing local (municipal) resources, emergency plans (e.g., flood hazards). [K. Tomaszewski]

Literature: J. Kleer, *Samorząd lokalny. Od teorii do badań empirycznych* [Local government. From theory to empirical research], Warszawa 2009 ■ T. Markowski, *Zarządzanie rozwojem miast* [City development management], Warszawa 1999 ■ G. Masik, *Typy polityki lokalnej. Przykład strefy suburbanizacji aglomeracji Trójmiasta* [Types of local policy. An example of the suburbanisation zone of the Tri-City agglomeration], "Studia Regionalne i Lokalne" 2010, no. 1(39).

LOCAL REFERENDUM – one of two forms (in addition to local-government elections) of direct exercise of power by the local community. Legal definition of l.r. is: answering the official questionnaire or choosing from the suggested answers. Through l.r. the residents may decide about matters relating to a given local-government community (→ local community) and within its statutory competence. L.r. can be held at every level of local-government units – municipality, county or self-government voivodship (in the latter case the proper name should be a regional referendum). The l.r. can be obligatory or optional. In the first case, the referendum and its binding nature depend on the decision of the local community concerned, including: dismissal of the village mayor/mayor/president of the city before the end of the term; dismissal of the municipal council, the county council, the voivodship sejmik before the end of the term, and self-taxation of residents for public purposes. The l.r. can be held also in other cases, falling within the competence of local government. L.r. is held at the initiative of the decision-making body or by the will of the residents – the application must be submitted by at least 10% of the eligible residents of the municipality or county

(in case of the municipal or county referendum initiative respectively), and in the case of self-government voivodship – at least 5% of eligible residents. The l.r. is ordered by the decision-making body on a non-working day. For the l.r. to have a binding nature, at least 30% of eligible voters have to participate, and in the case of the so-called appeal referendums – participation of at least 3/5 of the number of those who took part in the election of the body being dismissed. The law provides for time limits for conducting appeal referenda: they cannot be held within 12 months of the date of the election or the date of the last appeal referendum; they cannot be held if the date of the early election would be within six months before the end of the term of office of the local government. [J. Wojnicki]

Literature: D. Dąbkowski, W. Zając, *Referendum lokalne: praktyczny komentarz do ustawy* [Local referendum: practical commentary on the act], Zielona Góra 2002 ■ E. Olejniczak-Szałowska, *Referendum lokalne w świetle ustawodawstwa polskiego* [Local referendum in the light of Polish legislation], Warszawa 2002 ■ A.K. Piasecki, *Referenda w III RP* [Referenda in the Third Republic of Poland], Warszawa 2005.

LOCAL-GOVERNMENT ADMINISTRATION IN EXCEPTIONAL STATES – in exceptional states (state of natural disaster, state of emergency and state of war) the local-government administration becomes subordinated to government administration (→ government administration in exceptional states). The extent of the subordination depends on the degree of the exceptional threat that is a basis of the declaration of the exceptional states. The least subordination is applied in the state of national disaster, and the most in the states of emergency and war. The common and most important characteristic of all exceptional states is the possibility to centralise the functioning of public administration, which on the one hand shows the character of exceptional states and the necessity to implement radical changes to the hitherto rules of actions of public authorities. On the other hand, however, it seems to reflect the fact that the local government is treated as a participant of exceptional states that is equally supportive and provoking mistrust by the level of organisational skills and political engagement necessary especially in a state of emergency. In a state of natural disaster, a discretionary suspension of authorization of village mayors/mayors/presidents of the cities and starosts to lead the actions aimed at preventing the consequences of natural disaster or their removal has been anticipated. What is more, the relations within the local-government administration have been hierarchized, allowing the subordination of village mayors/mayors/presidents of cities (that are not cities with county rights) to a starost, in cases when the state of national disaster was announced in more than one municipality. In a state of emergency and in a state of war it has been enabled to suspend the bodies of municipality, county and voivodship self-government until the states are called off or for a specific period of time. [M. Brzeziński]

Literature: M. Brzeziński, *Zasady działania organów władzy publicznej w stanie klęski żywiołowej* [Principles of operation of public authorities in the state of natural disaster],

[in:] *Trzy wymiary współczesnego bezpieczeństwa* [Three dimensions of modern security], ed. S. Sulowski, M. Brzeziński, Warszawa 2014 ■ M. Brzeziński, *Stany nadzwyczajne w polskich konstytucjach* [Extraordinary states in the Polish constitutions], Warszawa 2007.

LONG-TERM FINANCIAL FORECAST (LTFF) – long-term (at least four-year) financial plan of a local-government unit drawn up in a system of individual years. The LTFF includes: 1. long-term plan of budget incomes, broken down into current income (including tax incomes, subsidies and grants) and property income (including the sale of assets); 2. long-term budget expenses plan, broken down into current expenses (including debt service, guarantees and sureties) and property expenses; 3. budget result (deficit or surplus); 4. long-term plan of budget revenues, including the amount of credits and loans and issuing of securities; 5. long-term plan of expenditures, including repayment of capital instalments of credits and loans and buyout/redemption of securities; 6. projected amount of debt of the local-government unit and the method of financing its repayment; 7. operating result (difference between current income and current expenses); 8. repayment ratio; 9. allocation of the forecasted budget surplus; 10. amounts of current and property expenses resulting from limits of expenses for planned and implemented projects, i.e. multiannual programmes, projects or tasks, including those related to: programmes financed with the EU or EFTA funds and public-private partnership contracts. The LTFF covers the period of the budget year and at least three consecutive years. The debt forecast is prepared for the period for which it was contracted and liabilities are planned to be incurred. LTFF is an instrument of long-term financial planning in LGUs. An initiative to draft a resolution regarding the LTFF and change it belongs only to the local-government unit's board. The LTFF is adopted in the form of a resolution of the decision-making body of the LGU. [T. Strąk]

Literature: S. Owsiak, *Finanse publiczne. Współczesne ujęcie* [Public finances. Contemporary perspective], Warszawa 2017 ■ P. Walczak, *Wieloletnia prognoza finansowa* [Long-term financial forecast], Warszawa 2015.

LOYALTY – means compliance with the legal order and respect for the constitutional bodies of the state by the public administration official. There are several levels of loyalty: to the government, to the institution, and to the superiors. Loyalty to the government means that the public administration official loyally and honestly executes its programme, regardless of his/her own convictions and political views, according to his/her best knowledge and will, without any obstruction (→ political neutrality). L. to the mother institution means a prohibition on speaking critically about the institution in the public media. L. to superiors means readiness to perform official duties while respecting the law and not making mistakes. Of particular importance is the interpretation of the principle of l. of an official to the superior, which means that if the superior body, despite protests of the official, makes a decision he/she considers erroneous, he/she performs

it under the responsibility of the supervisor conscientiously and thoroughly as if he/she were totally convinced by the decision. According to Max Weber, "without this, in the strictest sense, moral discipline and self-denial, this whole apparatus would fall apart." The public administration official should not passively look at the mistakes or errors of the supervisor but should correct them, based on experience and understanding of the situation. The limit of executing l. in service to the state is to comply with the law. In case the command or order of the superior bears the hallmarks of an offense and its effect would be a violation of the law – the officer is obliged to report it, bypassing the official escalation line. If, however, the supervisor's command raises moral doubts or raises suspicion of bias or negative social consequences, the public administration official may try to refuse to perform the supervisor's order. However, if the supervisor maintains his/her order and requests its execution in writing, the official is obliged to do so. Whether such behaviour is correct is continually discussed in the literature on the subject. L. to the supervisor means not hiding/withholding any significant information on the subject from the supervisor and a prohibition of any activities that might result from the desire to hinder the supervisor's rational decision-making. This principle requires providing advice and opinion that is objective and in accordance with the best of the knowledge and will to the supervisor when preparing proposals for the activities of the institution/administration office. [J. Itrich-Drabarek]

Literature: J. Itrich-Drabarek, *Uwarunkowania, standardy i kierunki zmian służby cywilnej w Polsce na tle europejskim* [Conditions, standards and directions of changes in the civil service in Poland against the European background], Warszawa 2010.

M

MAN OF CONFIDENCE (Polish: *mąż zaufania*) – in democratic institutions a person who enjoys the trust of the general public, who oversees the conduct of an assembly, elections (hereafter referred to as the general election). In Poland, a m.o.c. is a representative of a list of candidates, representing their interests during the election and during vote counts. A candidate in election or a member of the electoral commission (el.c.) cannot play the role of the m.o.c. In Polish elections and referenda, an electoral plenipotentiary of the el.c. has a right to assign one m.o.c. for each electoral district commission, if a candidate or a list of candidates from the given el.c. has been registered. M.o.c. receive from the electoral plenipotentiary of the electoral committee a certificate prepared in accordance with the National Electoral Commission, allowing entry into the rooms of electoral commission and staying at the polling place. The role of the m.o.c. is to observe the progress of elections and vote count with particular notice of potential violations of procedures. The activities of the electoral district commission can be registered by the m.o.c. with use of his own registering devices. The m.o.c. has a legal right to report observations and objections on a regular basis to the chairman of the el.c., and the right to comment on the protocols of the vote, with specific allegations. The m.o.c. cannot perform any activities of the member of the el.c., e.g., give explanations or assist the handicapped voter in voting. Performing the role of the m.o.c. cannot hinder the work of the el.c., disturb the gravity of the voting and violate its secrecy. [K.A. Kuć-Czajkowska]

MANAGEMENT CONTROL – in the units of public finance sector the m.c. is a set of actions taken to ensure the implementation of objectives and tasks in a lawful, effective, economical and timely manner. This is a legal definition specified in the Public Finance Act. M.c. is therefore much more than just a traditional understanding of → control or → audit – it is a way of controlling or managing a unit directed at achieving goals and tasks with the imposed criteria of legality, efficiency, economy and timeliness. M.c. derives from the English term of *internal control* referring to the organisation's internal control mechanism. The beginnings of m.c. in the Polish administration are linked to the concepts of financial control and → internal audit. The goal of m.c. is to ensure: compliance of the activity with the law and internal procedures, effectiveness and efficiency of operations, reliability of reports, protection of resources, observance and promotion of ethical conduct, efficiency and effectiveness of information flow and risk management. [A. Niedzielski]

Literature: Z. Derdziuk, A. Niedzielski, *Koordynacyjna funkcja kontrolingu* [Coordinating function of controlling], "Kontrola Państwowa" 2011, no. 6 ■ *Kontrola zarządcza w sektorze finansów publicznych. Istota, unormowania prawne i otoczenie. Kompendium wiedzy (wersja 1.0)* [Management control in the public finance sector. Essence, legal regulations and surroundings. Knowledge compendium (version 1.0)], [online] http://www.mf.gov.pl/c/document_library/get_file?uuid=ec119301-3422-4b56-af7d-318b470fd973&groupId=764034 [access: September 2017] ■ A. Szpor, *Pojęcie kontroli zarządczej (wybrane aspekty)* [The concept of management control (selected aspects)], [online] http://www.mf.gov.pl/c/document_library/get_file?uuid=b43e6d5f-4c5e-42db-b7cb-1251fd16a308&groupId=764034 [access: September 2017].

MARKETISATION OF PUBLIC SERVICES – entrusting the provision of → public service to a non-public entity. The basis of this entrustment is a civil law contract concluded by public administration with an external contractor, which may be both a non-profit entity (→ non-governmental organisation) and a commercial entity. The basis for concluding a contract is public procurement law or the act on public benefit and voluntary work. The selection of the contractor should be made as part of a competitive procedure. Funds for the implementation of the assigned task can be transferred on the basis of various principles, e.g. contract, subsidy, voucher. Despite contracting the service, public administration remains the organiser of the service and is responsible for its implementation, and therefore has the responsibility to supervise and control the contractor. An important condition for effective m.p.s. is their standardization, which guarantees fairly equal access, scope and quality of services. The goal of m.p.s. is a departure from monopoly and bureaucratization as well as greater competitiveness of services, and hence – lower costs, higher quality, innovation and better adjustment to the needs of clients. The → principle of subsidiarity also speaks for entrusting social services to external entities. However, this activity involves certain costs and risks, e.g. expenses resulting from contracting, advisory and control procedures, and the risk that the state monopoly will be replaced by a private monopoly. Broad implementation of m.p.s. is related to the concept of → New Public Management. [E. Jaroszewska]

Literature: *Administracja i zarządzanie publiczne. Nauka o współczesnej administracji* [Administration and public management. Science of modern administration], ed. D. Sześciło, Warszawa 2014 ■ O. Lissowski, *Usługi publiczne i usługi w interesie ogólnym – koncepcja i niektóre problemy instytucjonalne marketyzacyjnej modernizacji świadczenia usług publicznych w unii europejskiej* [Public services and general interest services – the concept and some institutional problems of the marketisational modernisation of the provision of public services in the European Union], "Zeszyty Naukowe Politechniki. Organizacja i Zarządzanie" [Scientific notebooks of the Polytechnic. Organisation and management] 2017, no. 74 ■ *Outsourcing usług publicznych. Model Kontraktowania Usług Publicznych. Opracowano w ramach projektu innowacyjnego testującego "Od partnerstwa do kooperacji"* [Outsourcing of public services. Model of Public Service Contracting. Developed as part of an innovative project testing "From partnership to cooperation"], http://

www.zlecaniezadan.pl/Content/biblioteka/inne/1.%20Outsourcing%20us%C5%82ug%20publicznych.pdf [access: grudzień 2018].

MAYOR – an executive body in the municipality with city rights. He is elected in local government elections that are universal, equal, direct and conducted by secret ballot. The term of office is five years and starts from taking an oath at a municipality council's meeting. M. is also the body of the first instance in individual cases in the field of public administration, the head of the city office, the supervisor of the local-government employees employed at the city office, the head of the municipal organisational units and the head of the civil registration office. The tasks of the m. also include managing the current city affairs and representing it outside. He manages the field civil defence units and is also responsible for the matters of protection against the effects of natural disasters. The m.r executes resolutions of the city council and the tasks of the city. During executing his duties he is responsible only to city council. The tasks of the m. include: preparation of draft resolutions of the city council; defining the ways of implementing the resolutions of the council; management of municipal property; budget execution; hiring and dismissing managers of municipal organisational units; ordering regulations in cases of urgency. The m. can only be dismissed in two cases – in the municipal referendum and under the supervision of the President of the Council of Ministers. (→ executive body of local government) [J. Wojnicki]

Literature: B. Dolnicki, *Samorząd terytorialny* [Local government], Warszawa 2016 ■ J. Regulski, *Samorząd III RP; koncepcje i realizacja* [Local government of the Third Republic of Poland; concepts and implementation], Warszawa 2000 ■ E. Zieliński, *Administracja rządowa i samorządowa w Polsce* [Government and local-government administration in Poland], Warszawa 2013.

MEDIATION IN PUBLIC ADMINISTRATION – out-of-court method of resolving administrative and legal disputes that arise between a party or parties to → administrative proceedings and → a public administration body with the participation of a third party – a mediator. Med. was introduced in 2017, the conditions of initiation and course are set out in the provisions of the Code of Civil Procedure. Med. it may be carried out during administrative proceedings, if the nature of the case allows it, and its purpose is to clarify and consider the factual and legal circumstances of the case, as well as to make arrangements for settling it within the limits of applicable law, including by issuing an → administrative decision or conclusion → administrative settlement. In practice, med. can be widely used. It may constitute an important element of explanatory proceedings, mainly in complex cases (e.g. regarding the establishment of building conditions or issuing a building permit for a socially controversial infrastructural investment), and may also be applied with consideration for the matter in hand. Med. is voluntary, it may take place ex officio, when the administrative body took

the initiative to carry it out, or at the request of the parties; the mediator may be indicated in the request. In the notification about the possibility of carrying out a med., a public administration body approaches the parties to grant their consent to med. and to choose a mediator – within 14 days from the date of delivery of the notification. Lack of consent of at least one participant in the dispute makes it impossible to conduct a mediation. If a case is referred to mediation, it is adjourned for up to two months, but at the joint request of its participants or for other important reasons, this period may be extended, but not longer than by one month. If the mediation goals specified in these deadlines are not achieved, the public administration body issues a decision on its termination and settles the matter. Med. is conveyed by a mediator who is an intermediary between the conflicted parties. The mediator is a neutral person, not associated with the participants of the case. A mediator may be a natural person who has full legal capacity and enjoys full public rights, and in particular is entered in the register of permanent mediators or figures on the list of institutions and persons authorized to conduct mediation proceedings, kept by the president of the regional court or may be found on the list maintained by a non-governmental organization or university, the information of which was forwarded to the president of the regional court. In case the body conducting the proceedings is a participant of the mediation, then the mediator must be entered in the register of permanent mediators or must figure on the list of institutions and persons authorized to conduct mediation proceedings, kept by the president of the regional court or be enlisted in a register maintained by a non-governmental organization or university, the information of which was forwarded to the president of the regional court.

The mediator's primary task is to facilitate mutual agreement between the parties. The mediator should be guided by the principles of impartiality, neutrality and confidentiality. The mediator presents conditions which may enable the parties of the dispute to adopt solutions that may end in an agreement in the form of a settlement. It is his duty to organize the mediation process in a proper way and to be in contact with the parties. The mediator, the mediation participants and other persons part of the mediation process are obliged to keep secret all facts they learned during mediation, unless the participants unanimously resign from confidentiality. The mediator draws up a report, which contains information about the time and place of the mediation, names and addresses (seats) of the participants, name and address of the mediator, arrangements made as to how to settle the case, as well as the mediator's and mediation participants' signatures; in case a signature is missing, an explanation should be provided. The report should be immediately submitted by the mediator to the public administration body for inclusion in the case file and a copy should be delivered to the participants of the mediation. The mediator shall be entitled to remuneration and reimbursement of expenses related to conducting the mediation, unless he has agreed to convey it without remuneration. The costs

of remuneration and reimbursement of expenses related to carrying out mediation services are covered by public administration bodies, and in cases where a settlement may be concluded – the parties in equal parts, unless they decide otherwise. [M. Jurgilewicz]

Literature: H. Izdebski, M. Kulesza, *Public administration. General issues*, Warsaw 2004 ■ M. Jurgilewicz, *Mediation in public administration*, Rzeszów 2018.

MENTORING IN THE CIVIL SERVICE – a human resource management practice of the public sphere. Its foundation is the voluntary relationship between mentor and mentee – the student, conducive to the student's professional development, taking into account his individual strengths. It provides the student with a broader perspective in the view of professional reality, how to perform professional roles and inspires new ways of solving potential problems. Mentoring as a management practice consists in the use of intellectual capital and emotional involvement in the organization / office functioning process. It is a form of an individualized approach to the employee and his development, not just treating him as part of the organizational structure. The purpose of mentoring in the civil service is: adaptation to new and / or changing conditions; transfer of specialist knowledge and experience; professional development planning at all career levels; developing self-awareness and activating one's own potentials, discovering the directions of one's own development. Mentoring is a partnership relationship between the master and the student oriented on activating and developing the intellectual, emotional and organizational potential of the student. It is based on inspiration, stimulation, good communication and leadership. Mentoring also includes consulting, evaluation and supporting the mentee in achieving successes.

Mentoring is a dynamic process based on a specific type of teaching – learning. It includes two levels of knowledge: silent knowledge about the specificity of the functioning of a particular organization and hard knowledge related to the competences necessary to function in a given organization. This means that mentoring resembles knowledge and competence management processes. This is about intellectual capital and emotional involvement in the organization's functioning process. A mentor is a guide that stimulates change in such a way that it becomes part of the student's needs. It is not about imposing the need to change, improving or teaching the specificity of an organization / institution, but about achieving the professional goals of the mentee. Leadership understood as the relationship between mentor and student is an attribute of mentoring. This relationship is not permanent and evolves with time, changes in the quality of interaction and mutual control over its course. The relational nature of mentoring means that being a mentor requires a kind of balance between the personality and intellect of the mentor and not allowing the marginalization of one for the dominance of another. These features include agency, courage, integrity and loyalty to values, trust, erudition and professional knowledge in a specific field. In relation to the student, the relational nature of mentoring means voluntary

co-creation of the relationship, active action for its high quality and expression of willingness to learn. Relationships can be authentic, pro-developmental, and as such they are the opposite of "fake" relationships, with a pretended interest in a student, and pretended fictitious personal characteristics. Communication is an attribute of mentoring. Mentoring is realized through communication behaviours of both parties. Communication between the mentor and the student requires respecting the principles conducive to reaching agreement and a better level of cooperation. These include: personal culture, displaying similarities in acceptable ranges, honesty and openness in the formulation of judgments, avoiding generalizing assessments, formulating feedback and active listening.

Mentoring can become dysfunctional if the mentor does not see changes in the student's professional functioning and petrifies the relationship. Stability in the way of performing the role of mentor results in the adoption of dominant behaviour, authorizing the relationship with the student. In this case, mentoring loses its original meaning. Mentoring dysfunction is also a result of communication barriers and difficulties resulting from the adopted style of communication. The non-partner style, consisting in initiating communication due to one's own needs and from one's own perspective, not taking into account the needs of the student, is a negation of mentoring.

The implementation and dissemination of mentoring may result in a reduction of dysfunctions that should be located at the psychological level (the so-called human factor), but their effects are reflected at the organizational and managerial level and in relations with the environment. [E. Marciniak]

Literature: D. Cluttenburck, *Everyone needs a mentor. How to manage talents*, Warszawa 2002 ■ J. Itrich-Drabarek, *Conditions, standards and directions of changes in the civil service in Poland against the European background,* Warszawa 2010

MERIT SYSTEM – a system in which personnel decisions in public administration (employment, promotion, business transfer, etc.) are made on the basis of substantive criteria – merit (also called meritocracy understood as the power of talented people). It is the opposite of the system of patronage or spoils, in which non-merit factors (e.g. political) play a decisive role in the personnel policy. In the sociological sense, merit is a criterion for the selection of official elites. Substantiality is an important feature of the concept of → Weber's rational administration. Institutionally, the functioning of m.s. is provided by the → civil service. Specific solutions for this purpose are, for example, state, central competitions for official posts (France), specific promotion systems (Germany), employee evaluations (the EU civil service), talent management (Great Britain). The situation in which professional officials manifest their superiority towards politicians or citizens (arrogance resulting from expert knowledge) is a representation of the dysfunction of the m.s. The m.s. alone stands in some contradiction with the concept of a representative bureaucracy, that is one whose composition reflects the social structure of a given state.

Referring to the history of political thought, meritocracy is part of the concept of the Platonic state. Plato was a supporter of the rule of the sages-philosophers. In modern times, the idea of m.s. was included in the French Declaration of Human and Citizens' Rights in 1789. According to its Article VI, the only criterion for access to public positions were the "virtues and talents" of citizens. [Ł. Świetlikowski]

Literature: J. Itrich-Drabarek, *Uwarunkowania, standardy i kierunki zmian funkcjonowania służby cywilnej w Polsce na tle europejskim* [Conditions, standards and directions of changes in the functioning of the civil service in Poland against the European background], Warszawa 2010 ■ B.G. Peters, *Administracja publiczna w systemie politycznym* [Public administration in the political system], Warszawa 1999.

METHOD OF PLANNING INSTITUTIONAL DEVELOPMENT (PID) – an instrument used to assess the quality of governance at the local level – of local-government administration. It is based on: diagnosis of the level of development – conducted in the form of institutional analysis (IA) of the local-government unit; preparation of an institutional development plan (DP) – planning activities that improve the functioning of the unit and the level of services provided; realization of the plan by implementing the so-called institutional development tools; assessment of effects. The activities of local governments have been included in five areas of management: 1. leadership and strategy, 2. resource and process management, 3. human capital management of the organisation, 4. partnership, 5. management of public services. The PID method was originally developed as part of the undertaking called the Institutional Development Programme implemented in years 2001 – 2004 by a consortium of the Canadian Urban Institute, the Małopolska School of Public Administration (MSAP UEK) and the Ministry of Interior and Administration. In the following years, the programme was updated, partners of the project leader – MSAP UEK, changed. In 2015, it was integrated with management control standards, implementation of which results from the Public Finance Act. All tools of the discussed method are available free of charge on the MSK UEK project's website: http://www.pri.msap.pl. [Ł. Małecki-Tepicht]

Literature: *Katalog narzędzi rozwoju instytucjonalnego w samorządzie lokalnym* [A catalogue of institutional development tools in local government], ed. M. Zawicki, Kraków 2011 ■ *Kontrola zarządcza – Podstawowe zagadnienia kontroli zarządczej. Poradnik dla jednostek samorządu terytorialnego* [Management control – Basic issues of management control. A guide for local government units], ed. M. Ćwiklicki, Kraków 2015 ■ *Rozwój instytucjonalny – poradnik dla samorządów terytorialnych* [Institutional development – a guide for local governments], ed. S. Mazur, Kraków 2004.

METROPOLIS (Old Greek: *metrópolis*: mother-city, mother of cities) – means a city agglomeration of one million or more citizens, which can be distinguished by: perfection of services, institutions and material equipment, economic, technological, social, political and cultural potential for innovation, exceptionality

and specificity of the place. This term is also used to describe the most important city of the province/country, political, economic, cultural centre. Characteristics that constitute the met. include: they are a decision-making centre for the organisation of the global economy by exercising control and regulation functions; by displacing the dominant manufacturing sector, they are becoming the most important location for companies providing specialized services related to financial intermediation, insurance, real estate trade; they are a location of the most modern industries and innovations, and at the same time they are the market for manufactured products and innovations. Among the criteria for distinguishing met. one can find: individualism; criterion of size, i.e. concentration of population, activity, social, cultural and transport infrastructure; the so-called global horizon – participation in global links and migration flows; functional specialization and diversification of society, space and infrastructure; playing an important role in the management of the flows of goods, persons, information; the localization of political institutions. Additionally, met. is characterized by: pollution of the environment and the implementation of a sustainable development strategy and the accumulation of various types of conflicts. Due to the scale of the fulfilled functions one can distinguish: regional, subcontinental, continental and global met. Global met. (London and Paris) steer globalisation processes; continental met. (e.g., Brussels, Amsterdam) base their development on transnational links. The subcontinental met., on the other hand, (e.g., Hanover, Stockholm) are places of concentration of decisions and activities of several neighbouring countries, and regional metropolitan areas (e.g., Warsaw, Prague) occupy a dominant position on a national scale with medium or weakly developed international functions. [K.A. Kuć-Czajkowska]

Literature: M. Bassand, *The Metropolisation of the World*, [in:] *Regional Question in Europe*, ed. G. Gorzelak, B. Jałowiecki, Warsaw 1993 ■ B. Jałowiecki, *Metropolie* [Metropolises], Białystok 1999 ■ S. Sassen, *The Global City: New York, London, Tokyo*, Princeton–Oxford 2001.

MIGRATION POLICY – in a broader sense (external m.p.), it is the organized activity of state bodies (central and local government), as well as non-governmental organizations, including departures and arrivals of nationals of a given country, as well as arrivals and departures of foreigners (including repatriates). M.p. is implemented on the basis of regulations determining the rules of arrival, stay and departure from the territory of a given country. In a narrower sense (internal m.p.), it is the creation of conditions for the movement of people within individual administrative units of a given country. The goal m.p. is the management of spatial population movements, which leads to obtaining the desired structure of the population in a given administrative unit and at the same time prevents illegal migration and related undesirable phenomena. Currently in the European Union m.p. is implemented by individual countries and falls within the scope of internal affairs, but should nevertheless be based on shared values

and take into account the important goals of EU Member States. Currently, EU countries do not have a significant impact on their → emigration policy, but have developed extensive legislation defining the rules for entering and staying in their territories in terms of → immigration policy, including → repatriation policy and → asylum policy. M.p. implemented by local governments includes activities within the competences of the authorities of individual local government units (mainly municipalities), aimed at limiting or encouraging the departure of their residents and limiting or encouraging the settlement and stay of repatriates and foreigners on their territory. It includes active support in finding employment, enabling education at various levels, ensuring security, housing policy and health protection. M.p. implemented by non-governmental organizations mainly consists of activities directed at the host society and foreigners (including repatriates). Information campaigns on repatriates and foreigners are directed to the host society, while actions are being carried out to support adaptation and integration processes in the host country towards repatriates and foreigners. An important goal pursued by NGOs is counteracting violence and trafficking of human beings. In Poland and other EU Member States m.p. is the subject of acute axiological dispute, focused primarily on the issue of the influx of foreigners from third countries. [P. Hut]

Literature: P. Hut, *Migracja i pojęcia pokrewne*, [in:] *W kręgu pojęć i zagadnień współczesnej polityki społecznej* [Migration and related concepts [in:] Concepts and issues of contemporary social policy], edited by B. Rysz-Kowalczyk, B. Szatur-Jaworska, Warsaw 2016 ■ *Polityka migracyjna jako instrument promocji zatrudnienia i ograniczenia bezrobocia* [Migration policy as an instrument for promoting employment and reducing unemployment], edited by P. Kaczmarek, M. Okólski, Warsaw 2008.

MINISTER – a single-person supreme body of the state, at the same time a member of the collective body (→ council of ministers), head of the ministry, receiving office as a result of political career. M. in the performance of a political function is assisted by his deputies – deputy ministers in the rank of secretary or undersecretary of state. According to the Constitution, ministers can be divided into two groups: 1. ministers in charge of specific → departments of government administration, 2. ministers fulfilling tasks assigned to them by the president of the Council of Ministers (ministers without portfolio). M. is obliged to initiate and develop the policy of the Council of Ministers in relation to the department he/she directs, and to submit in this respect the initiatives and draft normative acts at meetings of the Council of Ministers. In the area of the department he/she directs, the m. implements the government's policy and coordinates its implementation by bodies, offices and organisational units that are subject to him/her or are supervised by him/her. In order to carry out his/her tasks, the head of a specific department cooperates with other members of the council of ministers, other government administration bodies and the state organisational units, local government bodies as well as with economic

and professional self-government bodies, trade unions and employers' organizations and other social organisations and representatives of professional and creative milieus. The scope of the minister's activities: a. implementation of the government's tasks: participates in the work, interacts with other members of the government, determines the ministry's policy, supervises and controls the activities of local government administration bodies, cooperates with the local government; b. representation of the position in accordance with the arrangements adopted by the council of ministers; c. own competences of the minister – he/she directs, supervises and controls subordinate bodies, creates and liquidates organisational units, appoints and dismisses, controls persons subject to him/her. [J. Itrich-Drabarek]

Literature: E. Knosala, *Zarys nauki administracji* [Outline of the theory of administration], Zakamycze 2006.

MINISTRY – a government administration office managed by the minister who directs, supervises and controls the activities of subordinate bodies, offices and units. As emphasized in the literature, m. is the ministerial apparatus of the minister, with the help of whom he performs the tasks and competencies assigned to him. In practice, the functions of this office go far beyond the strict implementation of the minister's instructions and technical activities. M. largely fulfils the role of initiator and inspiration, consisting in preparing the substantive concept of draft legal acts, presenting proposals and proposals for actions, initiating projects in specific areas of matters, and providing expert advice. M. is created, liquidated or transformed by the council of ministers through an act in the rank of a regulation. The following types of organisational units are included in a m.: departments – they are responsible for the implementation of the ministry's substantive tasks; offices – are responsible for the implementation of service tasks; secretariats – to serve the minister, committees or councils; divisions, sections, teams – as organisational units inside departments and offices. The following organisational units are created in particular in each m.: → political cabinet of the minister and departments, offices or divisions, sections, teams for legal, information, budget, finance, human resources, training, organisation, European integration, foreign affairs, IT, public procurement, administrative-economic, control, complaints, applications, protection of classified information, internal audit. In the organisational structure of each m., the office of the director general of the office is also created. He is responsible for the efficient functioning of the office and the willingness of the office to perform the tasks of the m. in the case of acceptance of the government's resignation by the President of the Republic of Poland. The director general of the office supervises the organisational units of the m. and ensures the proper performance of the tasks specified by the minister, the secretary of state and the undersecretary of state. The rights and duties of the director general of the office are set out in separate regulations, in particular on the → civil service. The most important legal act of

an internal nature regulating the structure of a m. is the statute, passed by the president of the council of ministers, through an act in the rank of ordinance. It is the basis for the issuance of organisational regulations (ministerial ordinance) defining the scope of tasks and the mode of operation of organisational units of the m. and, unless special provisions provide otherwise, units subordinate to and supervised by the minister. The scope of substantive authority of individual m. results to a large extent from the scope of the properties of ministers directing the → departments of government administration. [K. Mroczka]

Literature: E. Radziszewski, *Zadania i kompetencje organów administracji publicznej po reformie ustrojowej państwa* [Tasks and competences of public administration bodies after systemic reform of the state], Warszawa 2000 ■ E. Zieliński, *Administracja rządowa i samorządowa w Polsce* [Government and local government administration in Poland], Warszawa 2013.

MIXED MODEL (HYBRID) OF CIVIL SERVICE – it combines the features of a → career model and a → positional model, sometimes with one of these two basic models as dominant. The civil service evolution that has occurred in many countries in the second half of the 20th century has resulted in a slow transition from the career model to the positional model. In this way, even in such "bedrocks" of career model as Germany or Northern Ireland, reforms have been introduced to strengthen the motivation system for civil servants. Also in the EU institutions after 2000 we can see a strong trend in this direction. The closest model to the mix model can be observed in Italy. Although in the literature Italy is classified among the countries where the positional model is dominant, its model features some of the classic elements of the career model: formalized recruitment procedures, established promotion system, non-performance-related wage. The mixed model was adopted by Poland, Hungary, Malta, Lithuania, Czech Republic, Latvia, Switzerland, Italy. [J. Itrich-Drabarek]

Literature: J. Itrich-Drabarek, *Uwarunkowania, standardy i kierunki zmian służby cywilnej w Polsce na tle europejskim* [Conditions, standards and directions of changes in the civil service in SZULC-WAŁECKAPoland against the European background], Warszawa 2010 ■ J. Itrich-Drabarek, *The Civil Service in Poland – Theory and Experience*, Frankfurt am Main 2015.

MOBBING (to mob – to surround, attack, attack, tease) – a kind of psycho-social phenomenon related to work, with the work environment (workplace mobbing), consisting of unethical action. M. is a systematic process of harassment that compromises the dignity, personality or physical and mental integrity of a person, posing a threat to his/her employment and affecting the atmosphere and work efficiency. The concepts used in literature are synonymous with bullying, moral harassment, psychological and related violence such as harassment (mainly sexual harassment) or Ijime (Japanese term, concerns mainly psychological harassment, especially in schools). There are two types of m.: 1. vertical – the superior

is the persecutor and the subordinate is a victim or the superior is a person harassed by a subordinate; 2. levels – the mobber is a group, and the victim is a person belonging to or dependent on the group. **MOBBER** is an oppressor, participant of a mobbing group. Mobbing behaviors include, among others: harassment, insults, social exclusion of employees, intimidation, humiliation, ridicule, isolation or elimination of employees from the team. A condition for recognizing certain behaviours as mobbing is repetition, regularity, awareness of their taking and a clear purpose of causing harm to the victim by the attacker. Situations of conflict in which there is a single incident and those in which both sides of the conflict have comparable strength cannot be qualified as m. M. is destructive on the health and functioning of the victim, as well as on the work environment and the surroundings, including the image of the organisation. The ways to reduce m. in the work environment include anti-mobbing education as well as anti-mobbing policies and procedures. [A. Komar]

Literature: M. Chakowski, *Mobbing: aspekty prawno-organizacyjne* [Mobbing: legal and organisational aspects], Bydgoszcz 2011 ■ M.-F. Hirigoyen, *Molestowanie w pracy* [Harassment at work], Poznań 2003 ■ J. Marciniak, *Mobbing, dyskryminacja, molestowanie. Przeciwdziałanie w praktyce* [Mobbing, discrimination, harassment. Counteracting in practice], Warszawa 2015.

MOBILITY OF OFFICIALS – substantively justified personnel movements on the official positions within the organisation and among organisations, aimed at increasing the efficiency of functioning of the state. One can distinguish the following aspects of the m.o.: vertical, horizontal, as well as functional or geographical. Vertical mobility is a promotion to a higher position or transition to a lower professional position (also as a result of degradation). In the horizontal aspect, mobility is a change of the workplace while maintaining the same level in the official hierarchy. The functional approach indicates a change in the performed function (scope of responsibilities), while the geographical one refers to the physical place of its performance. In the narrowest sense, m.o. includes personnel movements within the public sector and among its parts (e.g., transfers between the government, local government and state administrations). In a broader sense, the transfer of civil servants among the public sector and the private or non-governmental sectors, as well as the administration of other states or international organisations is also taken into account. (→ official) [Ł. Świetlikowski]

Literature: W. Betkiewicz, *Polski model kariery zawodowej urzędników wyższego szczebla? Próba empirycznego opisu* [The Polish model of professional career of senior officials? An attempt at an empirical description], "Studia Polityczne" 2014, no. 3(35) ■ K. Szczerski, *Porządki biurokratyczne* [Bureaucratic orders], Kraków 2004 ■ Ł. Świetlikowski, *Mobilność urzędnicza w ujęciu teoretycznym* [Mobility of officials in the theoretical perspective], "Studia z Polityki Publicznej" 2016, no. 2(10).

MODEL OF BUREAUCRACY – a pattern for organising public administration. During the last century, four models of bureaucracy have developed: Weberian, New Public Management, public co-management and neoweberism (the notion of models of public management is used interchangeably here). The essence of the **model of Weberian bureaucracy** (→ Weber Max) is a precise division of duties, a formal system of orders and sanctions, division of roles based on specialist competences verified in the course of formalized verification proceedings. In the hierarchical structure of organisational power, the activities of qualified officials are regulated by general, abstract and precisely defined rules. The **New Public Management** (NPM) model is based on the belief in the validity of introducing the management methods taken from the private sector into the public sector (e.g., management through results, task-based budget, service standards) and marketization of performing public tasks (privatization, executive agencies, contracting, → public-private partnership). The **model of public co-management** is a reaction to the growing problems of the ungovernability of the modern state and the progressive process of delegitimizing the hierarchical way of coordinating collective actions. Typical for this model are: polycentricity, networking, multilevelness, interactivity, conciliation, participation and shared responsibility. The **neoweberian model of public management** refers to the Weberian tradition, in particular to those elements that pertain to modern bureaucracy and the methods of its construction. In addition, it refers to the idea of apolitical → civil service. In this model elements of NPM are also visible, including: focus on high-quality public services, care for the economy and efficiency of public tasks (→ New Public Management, co-governance). [S. Mazur]

Literature: *Neoweberyzm* [Neoweberism], ed. S. Mazur, Warszawa 2016 ■ M. Weber, *Gospodarka i społeczeństwo* [Economy and Society], Warszawa 2002 ■ *Współzarządzanie publiczne* [Public co-management], ed. S. Mazur, Warszawa 2015.

MODELS OF MUNICIPALITY – Polish legislation in the period of the Second Republic of Poland distinguished two types of municipalities – rural and urban. In the system of local government established after 1989, the basic unit of local government is the mun., without legal distinction of its kind – for example regarding the possession of urban rights. However, three basic models of the mun. – rural, urban and metropolitan – are distinguished in the modern local government structure. Apart from social, economic and cultural factors, the basis of this division is the systemic premise – the name of the executive body. In the rural mun., where the seat of the local government is located in a town without the rights of a city, the executive body is the village mayor. In the case of an urban mun., where the seat of local government is located in a town with the rights of a city, the mayor is the executive body. According to the legal regulations, a specific model of the urban municipality are cities with over 100 thousand residents (the so-called big cities) – the executive body is the president of the city. (→ municipality) [J. Wojnicki]

Literature: B. Dolnicki, *Samorząd terytorialny* [Local government], Warszawa 2016 ■ *Gmina, powiat, województwo po reformie terenowej administracji publicznej: zbiór przepisów prawnych z objaśnieniami* [Municipality, county, voivodship after the reform of the field public administration: a set of legal provisions with explanations], vol. 1, *Podział kompetencji, podział terytorialny* [Division of competences, territorial division], oprac. P. Świątecki, M. Berek, Warszawa Zielona Góra 1999 ■ J. Regulski, *Samorząd III Rzeczypospolitej: koncepcje i realizacja* [Local government of the Third Republic of Poland: concepts and implementation], Warszawa 2008.

MODERNISATION OF PUBLIC ADMINISTRATION – legal, organisational and structural actions aimed at increasing the quality, timeliness, efficiency and effectiveness of public services for the benefit of citizens. The aim of modernisation activities is to constantly increase citizens' satisfaction with the quality of tasks provided by public administration and to build public trust in the state and its institutions. In the economic dimension m.p.a. focused on optimizing the way of performing tasks should result in lowering and optimizing the costs of functioning of public administration, while maintaining (or increasing) quality and timeliness. M.p.a. results to a large extent from the increasing diversification of social needs and expectations that cause and even force, high specialisation of public institutions involved in their implementation. The term "modernisation" is ambiguous in its meaning. According to theoretical assumptions appropriate for political science, this is a historically conditioned process of shaping and spreading attributes considered as signs of modernity, taking place through a gradual, increasing nearing of the society in a deliberate, purposeful and planned way to a recognized model, usually a model of some existing society considered modern. The changes taking place happen under the influence of an impulse, they are irreversible and inevitable, and the modernisation processes lead to the improvement of the effectiveness and efficiency of the implementation of individual public services. Modernisation is identified with development and progress, i.e. with a growing and beneficial change. [K. Mroczka]

Literature: M. Grotkowski, *Zmiany podmiotowe jako element modernizacji administracji publicznej we współczesnej Polsce* [Subject changes as an element of modernization of public administration in contemporary Poland], doctoral dissertation prepared at the Department of Journalism and Political Sciences of the University of Warsaw, Warszawa 2014 ■ K. Mroczka, *Wyzwania modernizacyjne służby cywilnej w Polsce* [Modernization challenges of the civil service in Poland], "Rocznik Administracji Publicznej" 2016, no. 2 ■ P. Sztompka, *Socjologia* [Sociology], Kraków 2002.

MUNICIPAL PROPERTY – it is a part of the property of local government units, however the adjective "municipal" requires referring this concept only to local-government units at the municipal level. According to the definition contained in the constitutional provisions of municipal self-government, municipal property is the property and other property rights belonging to individual municipalities and their unions as well as property of other municipal legal persons,

including enterprises. This definition is consistent with the understanding of property under the civil law. The category of property (assets) therefore includes all property rights – due to municipalities, their unions and municipal legal persons and municipal companies – such as, in particular: ownership, perpetual usufruct, lease, easement, deposit, property rights on intangible assets. M.p. covers only the wholeness of the assets of these entities, leaving their liabilities beyond its definition. The basic component of m.p. are real estates, although movable goods and rights are also included in the scope of the municipal property. Acquisition of m.p. can happen in several ways. In the case of a municipality – in particular as a result of: transfer of property by the government administration; change of borders, division or merging of municipalities; as a result of the municipality's economic activity; by other legal acts (e.g., acceptance of inheritance or donation, exchange of real estate). Municipal companies and self-governmental legal entities usually acquire property rights either directly from municipalities or through participation in civil law transactions. What is important, m.p. entities independently decide on the purpose and use of the owned assets (while maintaining the requirements contained in separate legal provisions). Managing m.p. is the task of the village mayor/mayor/president of the city. In turn, the rules of the management of m.p. are determined by the decision-making bodies of local-government units. In the case of associations of local-government units, local government legal entities and municipal companies – the rules of property management are determined in separate legal provisions or internal acts regulating the functioning of these entities. The municipality does not bear any responsibility for the liabilities of other municipal legal persons, and these are not responsible for the municipality's obligations regarding the management of the m.p. However, it should be remembered that due to the special "public" status of this property, it is the responsibility of the people involved in the management of the m.p. to exercise special diligence in the performance of the management in accordance with the purpose of this property and its protection, which is sanctioned by law. [R. Cieślak]

Literature: *Komentarz do ustawy o samorządzie gminnym* [Commentary on the act on local government], ed. P. Chmielnicki, Warszawa 2007 ■ A. Wolter, J. Ignatowicz, K. Stefaniuk, *Prawo cywilne. Zarys części ogólnej* [Civil law. An outline of the general part], Warszawa 1998.

MUNICIPAL REGULATIONS – it is assumed that distinguishing municipal regulations from local law acts (→ local law) lost its relevance in 2001 as a result of the amendment to the Act on municipal self-government. Terminological unification consisted in replacing the term "municipal regulations" with the notion of "local law acts" (l.l.a.), which is also legitimized in the Constitution of the Republic of Poland. Before the Constitution of 1997 came into force, arguments were formulated for the legitimacy of the distinction between l.l.a. and municipal regulations. In particular, it was emphasized that these are legal acts based

on specific authorizations, contained in statutes and on the basis of general authorizations contained in the Act of 1990 on local government (the name of the Act was changed in 1999 to the Act on municipal self-government). Within the municipal regulations, apart from generally applicable l.l.a., the internally binding norms have been distinguished, addressed to organisational entities subordinated to the constituting body. In this approach, three groups of regulations can be identified. The first group includes municipal regulations concerning the internal system of the municipality, the organisation of the office and other organisational units of the municipality, the rules of management of the municipality's property and the mode of using communal objects and public facilities of a local character. These are matters regulated in separate resolutions or in the statute of the municipality. The authority competent for adopting such regulations is the municipal council. The second group are the municipal regulations resulting from the act on municipal self-government, such as acts of orderly character, created in the case of the need to protect life and health of citizens and to ensure order, peace and public safety. Here, too, the authority competent to adopt the resolution is the municipal council, but in urgent cases these acts may be issued by the village mayor/mayor/president of the city in the form of an ordinance. Ultimately, however, their continuation must be approved by the council. The third group are the municipal regulations regarding acts of self-taxing by residents of the municipality, for which the municipality's residents are the constituting entity, expressing their will through a referendum. The term "municipal regulations" is sometimes still used interchangeably with the term "local law acts". The rules regarding announcing and publishing of municipal regulations (i.e. local law acts) are specified in the Act. By analogy, a set of such regulations in accordance with the statutory regulation is made available to the general public. (→ local law acts adopted by the municipality) [S. Kozłowski]

Literature: D. Dąbek, *Prawo miejscowe* [Local law], Warszawa 2015 ■ M. Szewczyk, K. Ziemski, *Prawo miejscowe a przepisy gminne* [Local law and municipal regulations], "Ruch Prawniczy, Ekonomiczny i Socjologiczny" 1992, issue no. 1.

MUNICIPALITY – a unit of local government, a basic unit of → territorial division in Poland and also a local governmental community which is an entity of local government. Certain consequences result from this statement. Most of all, mun., in accordance with the → principle of subsidiarity, have been equipped with most of the competences in decentralised structure of local government. In case of doubt about who is responsible for the specific task at the local level, the presumption of competence for the mun. is assumed, since its scope includes all public affairs of local importance, not reserved by law to other entities. There are three types of mun.: 1. urban, whose whole territory is a city, 2. urban-rural, consisting of a town and several villages, 3. rural, consisting of towns or villages without city status. As on 1st January 2017, Poland is divided into 2478 mun.,

including: 1555 rural, 621 urban-rural and 302 urban, 66 of which are cities with county rights. The decision-making and control body is – depending on the type of the mun. – municipal council or town/city council. The executive body is, depending on the type of mun.: 1. village mayor in a rural mun., 2. mayor in a mun. whose seat is located in a town located on the territory of that mun., 3. city president in cities with over 100 thousand residents. Creating, combining, dividing, cancelling, determining the borders and names of the mun. and location of their authorities, takes form of an ordinance of the Council of Ministers after consultation with the inhabitants of the towns and villages concerned. When making these decisions one should aim for the mun. to include the territory as homogeneous as possible in terms of settlement and spatial arrangement as well as social and economic ties, ensuring the ability to perform public tasks. In the mun. – as the only unit of territorial division – it is possible to create auxiliary units: parishes, districts, housing estates. The legislator left the municipal council a free hand to form auxiliary divisions. (→ local government, supervision over local government, local community, models of municipalities) [K.A. Kuć-Czajkowska]

Literature: M. Barański, S. Kantyka, S. Kubas, M. Kuś, *Samorząd terytorialny i wspólnoty lokalne* [Local government and local communities], Warszawa 2007 ■ B. Dolnicki, *Samorząd terytorialny* [Local government], Kraków 2016 ■ W. Zając, *Zasadniczy trójstopniowy podział terytorialny Polski. Komentarz do przepisów* [The basic three-tier territorial division of Poland. A commentary on the rules], Warszawa 1999.

MUNICIPALITY COUNCIL – a decision-making and control body of a municipality, elected in local-government elections that are the universal, equal, and direct, and conducted by secret ballot. The term of office of the m.c. lasts five years commencing on the election day. It is a body with general competence, empowered to undertake and carry out all matters reserved for the scope of action of the municipality (mun.). The exclusive competences of mun.c. include: passing the mun. statute, mun. budget and accepting reports of financial activities of the m. and granting the vote of acceptance in this regard, the adoption of local spatial development plans, economic programs; determining the remuneration of the village mayor/mayor/president of the city, drafting the directions of his activity and receiving reports on his activities, appointment and removal of the secretary of the mun.; determining the scope of operation of the → mun. auxiliary units and the rules of transferring of assets; adopting resolutions on local taxes and charges within the limits of statutory regulations; taking over government administration tasks; cooperating with other local-government units and dispensing assets for this purpose. The competences of the mun. council also include the adoption of resolutions in the following matters: municipality's coat of arms, names of streets and public squares, and erection of monuments, rules of granting scholarships to pupils and students; municipality's assets exceeding the scope of a simple management and relating to real estate, bonds, borrowings,

investments and repairs, joining companies and cooperatives, shares and stocks of enterprises and institutions, the amount of liabilities incurred; cooperation with local and regional communities from other countries and joining international associations of local and regional communities. The mun.c. is entitled to decide on the issue of honorary mun. citizenship and other matters reserved by statutory regulation to the exclusive competence of the mun.c. The council's work is led by the chairman elected from among its councillors, with the help of deputies (from one to three). Meetings of the mun.c. are convened by the chairman on his own initiative, at least once a quarter. Extraordinary meetings may be requested by the village mayor/mayor/president of the city or by a group of at least 1/4 of the statutory council members. The municipality council is composed of councillors who work in plenary council meetings and in committees. (→ decision-making and control body of local government) [J. Wojnicki]

Literature: E. Nowacka, *Władza samorządu lokalnego* [The power of local government], Warszawa 2012 ■ A.K. Piasecki, *Samorząd terytorialny i wspólnoty lokalne* [Local government and local communities], Warszawa 2009 ■ E. Zieliński, *Administracja rządowa i samorządowa w Polsce* [Government and local government administration in Poland], Warszawa 2013.

MUNICIPALITY POLICE (Polish: straż gminna/miejska) – a uniformed formation created by the municipality council (rural or urban), which is intended to protect → public order in the municipality. It reports directly to the executive body in the municipality (village mayor/mayor/president of the city). Its tasks include: protection of peace and order in public places, supervision of order and control of traffic, control of public mass transport, cooperation with relevant entities in saving lives and citizens' health, assistance in removing technical failures and consequences of natural disasters and other local threats, protection of municipal facilities and public utilities, cooperation with organizers and other services in order to provide protection during public gatherings and public events. Mun.p. was created seven years after the local-government reform of 1990 (until that time, after the political changes initiated in 1989, municipality polices were operating under the 1990 Police Act). The local government is established to meet the collective needs of local communities. One of them is the need to feel personal safety of its members. At the same time, as a public administration entity, it performs tasks in the areas of public safety and order, fire protection and crisis management. The scope of these tasks depends on the degree of decentralization of public authority. Local-government units carry out these tasks through the right to issue administrative law acts in the area of citizens' security, influence on the activities of state institutions, in particular the police. Local government, especially at the local level, may also create its own self-government police services in the form of a subordinate organisational unit. In Europe, there were two models of local government's participation in the protection of public safety and order. In the first one, which operated until

the mid-1960s in the Scandinavian countries, the only entity responsible for the state of security were local government polices without involvement of the state. A more frequent organisational solution is the dualistic model – on the local level, beside the state formations, local polices operate. [A. Misiuk]

Literature: W. Kotowski, *Straże gminne. Komentarz* [Municipal guards. A commentary], Warszawa 2014 ■ A. Misiuk, *Administracja porządku i bezpieczeństwa publicznego. Zagadnienia prawno-ustrojowe* [Administration of public order and safety. Legal and political issues], Warszawa 2008.

MUNICIPALITY'S AUXILIARY UNIT – a separated part of the area of the → municipality, the territorial community of the inhabitants in the area separated by the auxiliary division of the municipality's territory – made by a resolution of the municipality council. The purpose of such a division is to improve the functioning of the municipality (mun.) in carrying out its public tasks. It may be made at the request of the inhabitants or at the initiative of the authorities of local government units. In terms of naming the units, the law grants the municipality great freedom – the municipality council through the division, creates: → parishes, → districts, → housing estates, towns located in the municipality's territory, but also units under another name, e.g., an area (freedom makes it possible, for example, to create a parish in a city). The law, however, specifies the matters regarding the authority bodies. The detailed regulations concerning the functioning of auxiliary units are determined by the mun. council in the form of a statute-giving resolution, after consultation with the inhabitants. [M. Sidor]

Literature: B. Matyjaszczyk, *Jednostki pomocnicze gminy – analiza uregulowań prawnych* [Municipality's auxiliary units – analysis of legal regulations], Pracownia Badań i Innowacji Społecznych Stocznia; [online] http://partycypacjaobywatelska.pl/wpcontent/uploads/Jednostki_pomocnicze_gminy.pdf.

MUNICIPALITY'S AUXILIARY UNIT'S STATUTE – a local law act adopted by the municipality council for an auxiliary unit: village council, district, housing estate or other. The auxiliary unit of the municipality is a socio-territorial structure, which takes over the implementation of public tasks on its territory, and at the same time has no legal personality. Auxiliary units have their own resolution-making bodies. The municipality council when adopting the a.u.s. specifies in particular: the name and area of the unit's operation; organisation and tasks of its bodies; electoral law for these bodies; the scope of tasks transferred to the unit and the manner of their implementation; the form and scope of supervision and control carried out by the municipality bodies over the activities of the bodies of the unit. In a.u.s. the organisation and scope of operation of lower-level units within a given unit may also be specified. According to the case law, the statute of each auxiliary unit in a given municipality should be individualized. Regulations of the a.u.s. describe its organisation, scope and method of operation. A.u.s. has the same binding force as the municipality's statute. The bodies

supervising the compliance with the legal order are obliged to take into account the provisions of the a.u.s., when assessing the legal aspects of operation of, for example, municipality bodies. A.u.s. should not contain regulations inconsistent with the legal acts. The a.u.s. is subject to publication in the voivodship official journal. (→ local law acts adopted by the municipality, auxiliary unit of the municipality) [S. Kozłowski]

Literature: B. Dolnicki, *Samorząd terytorialny* [Local government], Warszawa 2016.

MUNICIPALITY'S BUDGET – an annual plan of income and expenses as well as revenues and expenditures of the municipality. Mun.b. is adopted by the municipal council in the form of a budgetary resolution that forms the basis of the municipality's financial economy in a given budget year. The initiative of drawing up a draft budget resolution is only in the power of the executive body – village mayor/mayor/president of the city. The mode of work on the draft budget resolution is defined by the municipal council. Mun.b. is a cash plan, and therefore includes planned earnings (incomes and revenues) as well as expenses and expenditures. Mun.b. includes: 1. planned level of income, with the separation of current and property income, however, the annex to the resolution presents the municipal income plan broken down into divisions, chapters and sources of income; 2. planned level of budget expenses, with the separation of current and property expenses, however the annex to the resolution presents the municipal plan of expenses, broken down into divisions, chapters and expenses groups; 3. deficit or surplus of the municipality's budget together with sources of deficit cover or surplus allocation; 4. planned amount of revenue divided into individual titles; 5. planned amount of expenditures divided into individual titles. Mun.b. includes financial plans of all municipal budgetary units. It is the main instrument of exercising power and implementing the municipality's tasks. A characteristic feature of mun.b., unlike the state budget, is its frequent change during the budget year, carried out in the form of a resolution of the municipality council. The main income sources of municipalities are: subsidies, personal income tax, real estate tax and subsidies for government administration tasks. The municipality's expenses are mainly spent on: education and upbringing, social assistance, public administration and transport. (→ municipality's income) [T. Strąk]

Literature: T. Lubińska, *Budżet a finanse publiczne* [Budget and public finances], Warszawa 2010 ■ S. Owsiak, *Finanse publiczne. Współczesne ujęcie* [Public finances. Contemporary perspective], Warszawa 2017 ■ P. Sołtyk, M. Dębowska-Sołtyk, *Finanse samorządowe* [Local government finances], Warszawa 2016.

MUNICIPALITY'S INCOME – financial means that are municipality's own income, coming from the general subsidy and special subsidies from the state budget. The source of mun.i. may also be funds from the EU budget and funds transferred from other sources on the basis of law. Mun.i. have been classified

into several groups: tax earnings determined and collected on the basis of separate acts (e.g., real estate tax, agricultural tax, forest tax), earnings from collected fees (e.g. fiscal, market, health resorts), shares in income taxes constituting state budget income, including in tax from natural persons residing within the municipality and income tax from legal persons and organisational units based in the municipality but not having legal personality. Mun.i. are funds from the municipality's assets and interest on funds accumulated on bank accounts, as well as incomes obtained by their budgetary units and payments from budgetary institutions and auxiliary enterprises of budgetary units of the municipality. (→ municipality's budget) [M. Chałupczak-Styczeń]

Literature: A. Borodo, *Dochody jednostek samorządu terytorialnego w świetle ustawy z 13 XI 2003 r.* [Income of local government units in the light of the act from 13 XI 2003], Toruń 2004 ■ A. Hanusz, A. Niezgoda, P. Czerski, *Dochody budżetu jednostek samorządu terytorialnego* [Budget's income of local government units], Warszawa 2009.

MUNICIPALITY'S STATUTE – a local law act containing constitutional and organisational rules in force in a municipality. Regulations of the mun.s. regulate the organisation, scope and manner of operation of the municipality. Adoption of the mun.s. belongs to the exclusive competence of the → municipality council, which is bound in this respect by the provisions of the Act on municipal self-government and acts that determine the system of the municipality. Mun.s. contains regulations regarding the internal organisation of the municipality council, the functioning of its committees, the principles of operation of the audit commission, work of the village mayor/mayor/president of the city and the principles of creating, combining, dividing and abolishing auxiliary units. In addition, it regulates the rules for the creation and operation of municipal councillors' clubs. Part of the mun.s. may be attachments containing a map of the municipality, a description of the coat of arms and flags of the municipality, a list of municipal organisational and auxiliary units. Mun.s. should not be simply a repetition of the provisions of the Act, nor can it contain regulations inconsistent with it. It is true that according to the constitution, the internal system of local government units is defined, within the limits of laws, by their governing bodies, but in the light of the Act on municipal self-government in the case of cities with county rights with over 300,000 residents, the draft statute requires consultation with the President of the Council of Ministers at the request of the minister competent for public administration. Mun.s. is subject to publication in the voivodship official journal. (→ local law acts adopted by the municipality) [S. Kozłowski]

Literature: D. Dąbek, *Prawo miejscowe* [Local law], Warszawa 2015.

MUNICIPALITY'S TASKS – public tasks of a local nature, aimed at satisfying collective needs of the community. The municipality is the basic unit of local government and its task is to perform all tasks of local government not reserved for other units of that local government (it is entitled to presumption

of competence in public matters of local significance). The mun.t. include the following groups: 1. tasks within the scope of technical infrastructure, 2. tasks within the scope of social infrastructure, 3. a package comprising citizens' security and public order, 4. a package comprising spatial order, environmental protection, 5. a package comprising municipality promotion and promotion of the idea of local government. The particular mentioned groups of mun.t. include in particular: 1. management of municipal roads, streets, bridges and road traffic organisation, waterways and water supply, sewerage – removal and treatment of municipal wastewater, maintenance of cleanliness and order and sanitation, garbage dumps and municipal waste, marketplaces and market halls, electricity and heat supply as well as gas, local collective transport; 2. health protection – provision of basic medical care, pro-family policy, including providing social, medical and legal care for pregnant women, assistance to large families, public education – construction, maintenance and renovation as well as refurbishment of nurseries, kindergartens and primary and secondary schools, gymnastic rooms and sports fields, culture and physical culture – maintenance of municipal libraries and other cultural institutions and protection of monuments and care of monuments, maintenance of recreational areas, bicycle paths, sports facilities, playgrounds, care centres and care facilities, municipal housing construction; 3. fire and flood protection, security of municipal facilities and public utilities as well as administrative facilities, obligation to cooperate with the police; 4. municipal greenery and tree stands, spatial development plan; 5. functioning (optionally) of the municipal youth council, promotion of the municipality, cooperation with non-governmental organisations. (→ public tasks) [E. Szulc-Wałecka]

Literature: B. Dolnicki, *Samorząd terytorialny* [Local government], Warszawa 2009 ■ M. Kulesza, H. Izdebski, *Administracja publiczna: zagadnienia ogólne* [Public administration: general issues], Warszawa 2004.

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NATIONAL BUREAU FOR DRUG PREVENTION (NBDP) – public institution acting within the scope of drug prevention. It executes its goals in the following areas: 1. prevention – establishing standards and assessment of application of preventive programmes in terms of their effectiveness; 2. treatment, rehabilitation, reducing health damage and reintegration of persons affected by drug addiction; 3. limiting of supply of drugs, intoxicating substances, psychotropic substances and substitutes; 4. international cooperation with the UN, WHO and with the EU: HDG and EMCDDA; 5. conducting research, preparing reports and analyses regarding drug addiction; 6. initiating drafts of legal acts aimed at counteracting drug addiction; 7. providing substantial assistance to institutions, outposts and persons dealing with issues of drug addiction. NBDP is responsible for implementing and coordinating the national policy for drug prevention directed at limiting the use of intoxicating and psychotropic substances, preparing, coordinating and monitoring of implementation of the → National Program on Counteracting Drug Addiction and preparing annual reports on its implementation. NBDP, within its tasks, implements the national and international projects on, among others, selective prevention for kids and teenagers using drugs, support programmes for families of persons vulnerable to drug addiction and those using drugs, reducing risks of health damage among occasional drug users. NBDP entrusts and supports executing public tasks together with granting funds for their financing. [A. Bejma]

Literature: M.D. Głowacka, J. Zdanowska, *Zdrowie publiczne w Polsce* [Public health in Poland], Warszawa 2013.

NATIONAL PROGRAM FOR THE PREVENTION AND SOLVING OF ALCOHOL-RELATED PROBLEMS – is part of the National Health Program that constitutes the foundation for actions within the scope of preventing and solving alcohol problems in Poland. NPPSARP describes priority directions, areas and types of actions in this scope together with a detailed schedule of their implementation, goals and ways of achieving them and indicates all parties responsible for each task on central and local-government levels. Engaging different parties allows to implement comprehensive actions aiming at solving the problem of overuse of alcohol. NPPSARP consists of five main areas, which are: 1. health education, 2. prevention, 3. treatment, rehabilitation; reduction of health damage and social reintegration, 4. international cooperation, 5. diagnosing and investigating phenomena related to alcohol abuse, including domestic violence. Each main area defines detailed goals and directions of action. The agency responsible for implementing the NPPSARP is the → State Agency for the Prevention

of Alcohol-Related Problems. At regional and municipal levels, the voivodship and municipal programmes for preventing and solving alcohol-related problems are enacted. The executive authority of local government: 1. is responsible for preparation, implementation and coordination of the voivodship program; 2. provides substantial assistance to entities carrying out the tasks covered by the program; 3. cooperates with other public administration bodies within the scope of preventing and solving alcohol-related problems. Counteracting alcoholism is a responsibility of the municipalities, they are obliged to: provide therapeutic and rehabilitation assistance to persons addicted and vulnerable to addiction; provide legal, psychological and social assistance to persons and families affected by alcohol-related problems; carry out preventive, informative, educational and training activities for preventing and solving alcohol-related problems; integrate persons affected by alcohol-related problems with local community. [A. Bejma]

Literature: M.D. Głowacka, J. Zdanowska, *Zdrowie publiczne w Polsce* [Public health in Poland], Warszawa 2013.

NATIONAL PROGRAM ON COUNTERACTING DRUG ADDICTION (NPCDA) – is an element of the National Health Program that constitutes the foundation for actions within the scope of counteracting drug addiction in Poland. It describes priority directions, areas and types of actions regarding counteracting drug addiction (together with the detailed schedule of their implementation), goals and ways of achieving them and indicates all parties responsible for each task on central and local-government levels. Engaging different parties allows to implement comprehensive actions aiming at preventing the development of drug addiction in Poland. NPCDA consists of six main areas, which are: 1. health education, 2. development of staff, 3. prevention, 4. treatment, rehabilitation; reduction of health damage and social reintegration, 5. conducting research and monitoring the epidemiological situation regarding use of intoxicating substances, 6. international cooperation. Each main area defines detailed goals and directions of action. The agency responsible for implementing the NPCDA is the → National Bureau for Drug Prevention. On voivodship and municipal levels, the voivodship and municipal programmes on counteracting drug addictions are enacted by voivodship council and municipal council. The executive body of voivodship self-government on counteracting drug addiction: 1. is responsible for preparation, implementation and coordination of the regional program; 2. provides substantial assistance to entities carrying out the tasks covered by the program; 3. cooperates with other public administration bodies. Counteracting drug addiction is a responsibility of the municipalities, they are obliged to: provide therapeutic and rehabilitation assistance to persons addicted and vulnerable to addiction; provide legal, psychological and social assistance to persons and families affected by drug addiction; carry out preventive, informative, educational and training activities; support initiatives for solving drug addiction; integrate persons affected by drug addiction with local community. [A. Bejma]

Literature: M.D. Głowacka, J. Zdanowska, *Zdrowie publiczne w Polsce* [Public health in Poland], Warszawa 2013.

NATIONAL ROAD SAFETY COUNCIL – (KRBRD) is an inter-ministerial auxiliary body of the council of ministers dealing with matters of road safety, operating under the minister responsible for transport. The Council defines directions and coordinates the activities of government administration in matters of road safety. The tasks of the Council include: proposing directions of state policy; developing programs for the improvement of road safety on the basis of proposals submitted by relevant ministers and evaluating their implementation; initiating and giving opinions on draft legal acts and international agreements; initiating: scientific research, training of public administration staff, foreign cooperation and educational and information activities; cooperation with relevant social organizations and non-governmental institutions; analysing and assessing actions taken; determining, at least every three years, the average socioeconomic costs of a road accident in which a person suffered injuries or was killed. The KRBRD consists of: chairman – minister competent for transport, deputy chairman: secretary or undersecretary of state in the ministry competent for internal affairs, secretary or undersecretary of state in the ministry competent for transport, secretary appointed by the minister competent for transport and members appointed by: the Prime Minister from among voivodes, the minister of national defence, minister of justice and ministers competent for: public administration, budget, public finances, economy, construction, spatial planning and development as well as housing, education and upbringing, environment, transport, internal, work and the Commander-in-Chief of Police, Commander Chief Fire Brigade, General Director of National Roads and Motorways. The Council performs its tasks with the help of the Secretariat, which is the internal organizational unit of the minister competent for transport. The following may participate in the KRBRD in an advisory capacity: representatives of non-governmental organizations whose statutory scope of activities includes road safety, academic staff of universities or research and development units, and independent experts. (→ provincial road safety council) [M. Jurgilewicz]

Literature: W. Kotowski, *Traffic Law. Commentary*, Warsaw 2011 ■ *Legal aspects of road safety*, edited by M. Jurgilewicz, Z. Nowakowski, J. Rajchel, K. Rajchel, Warsaw 2011.

NATIONAL SCHOOL OF PUBLIC ADMINISTRATION (KSAP) – a government school in Warsaw, subordinated directly to the President of the Council of Ministers. It has been functioning since 1991 on the basis of its own act and statute. The model for its founders was the French National School of Administration (*École Nationale d'Administration*, ENA), the forge of the official and political elite of France. Both schools are a typical element of the system of → civil service based on the career model (→ career model of civil service). Pursuant to the act, the purpose of KSAP is to educate and prepare the civil service

officials and personnel of senior officials of the administration of the Republic of Poland for public service. KSAP pursues its goal through full-time (continuous) education, continuing education (training activity) and international cooperation. The full-time students are elected in a competitive, open admission process. The condition for joining the admission process is, among others, possession of a master's degree, appropriate age (less than 32 years) and knowledge of a foreign language. Every year, KSAP accepts 35–40 listeners. The full-time studies have practical character and include domestic and foreign administrative internships and study visits. The studies last 1.5 years. After graduation, the alumni are guaranteed employment in public administration. Those who are employed in the civil service automatically obtain the status of a civil servant. By 2017, more than 1,200 graduates completed KSAP. In 2016, the school was named after the President of the Republic of Poland, Lech Kaczyński. [Ł. Świetlikowski]

Literature: J. Itrich-Drabarek, *Uwarunkowania, standardy i kierunki zmian funkcjonowania służby cywilnej w Polsce na tle europejskim* [Conditions, standards and directions of changes in the civil service in Poland against the European background], Warszawa 2010 ■ K. Mroczka, *Wpływ polityki zarządzania zasobami ludzkimi w polskiej służbie cywilnej na funkcjonowanie państwa* [The impact of human resources management policy in the Polish civil service on the functioning of the state], Warszawa 2015.

NATIONAL SEJMIK OF LOCAL GOVERNMENT– association acting in years 1990–1998 and located in Poznań, created in Gdańsk as a result of an initiative of delegates of local-government sejmiks from 48 voivodships (Legnickie voivodship did not join). The task of the NSLG was to develop initiatives and drafts of legal solutions regarding local government, give opinions on legal acts in this regard, exchange of experience of municipalities and associations of municipalities. The bodies of the NSLG were: Presidium (consisting of the presidents of voivodship sejmiks) and General Assembly (consisting of the presidents of voivodship sejmiks and one delegate from each voivodship). Within the NSLG the National Local-Government Research Institute was created in 1992 and a draft amendment to the local-government law was prepared, which provided for the creation of an obligatory National Chamber of Local Government. Strengthening the NSLG's position was supported by the provisions of the Act of 14 December 1990 on the income of municipalities and the rules of their subsidization in 1991 and the amendment of the Act on local government, which considered it a temporary representation of the local government in the draft of the state budget. This representation was limited to the drafts of the state budget "until the creation of the nationwide representation of municipalities on the basis of separate provisions." A similar solution was implemented in the Act of 10 December 1993 on financing municipalities, which were in force until the provisions regulating the creation of new units of local government – counties and voivodships (1 January 1999) became effective. With their creation, the voivodship self-government sejmiks ceased to exist. NSLG was also one of the

creators of the → Joint Commission of Government and Local Government that came into being in 1993 – its representatives were members of the Commission until the end of the existence of the association. The NSLG was liquidated in 1999 as a result of the administrative reform. [M. Jęczarek]

Literature: P. Buczkowski, *Krajowy Sejmik Samorządu Terytorialnego. Geneza. Organizacja. Działalność w I kadencji* [The National sejmik of local government. Genesis. Organisation. Activities in the first term of office], [in:] *Samorząd zorganizowany: II Kongres Samorządu Terytorialnego* [Organised local government: II Congress of Local Government] *[Poznań 13–15.V.1994]*, Samorząd Terytorialny I Kadencji [Local government of the first term of office], vol. 4, ed. P. Buczkowski, Poznań 1994 ■ A.K. Piasecki, *Samorząd terytorialny i wspólnoty lokalne* [Local government and local communities], Warszawa 2009 ■ I. Zahariasz, *Geneza Komisji Wspólnej Rządu i Samorządu Terytorialnego* [The genesis of the Joint Commission of the Government and Local Government], "Samorząd Terytorialny" 2015, no. 12.

NATURALISTIC THEORY OF LOCAL GOVERNMENT – a concept inspired by the philosophy of natural law and liberalism that reined at the turn of the 18th and 19th centuries that described the local government as a natural political institution that was part of public phenomena, not legal ones. The representatives of this current, fighting the ruling absolute monarchies, were contrasting the state with local government. One can refer to J. Lock's thought, where he assumed that the objective of the state is to ensure the freedom of the individual. He also believed that the municipality is a form preceding the state which allowed to assume that it was not created as a result of the state law but is a legal person in the same way as a human. It was reasoned that because the local government is a sovereign primary to the state (it was believed in the spirit of the Aristotle's thought that thanks to the municipality the institution of the state could emerge), it should have a wide autonomy to act. It was presumed that the municipality is not a creation of the positive law (that is an effect of the state's creation), but a consequence of a natural process, thus a category of natural law. Based on these assumptions, a division of tasks of local governments was formed into its own tasks and commissioned tasks. It was believed that the local government is not a subject of a decentralized public administration, but a natural political institution which was supposed to be a school of civic virtues. The manifestations of naturalistic perception of local government can be found in the works of such Polish thinkers as: Joachim Lelewel, Piotr Górski, Aleksander Kroński, Stanisław Kasznica, Józef Staryszak. [M. Jęczarek]

Literature: A. Bosiacki, *Od naturalizmu do etatyzmu: doktryny samorządu terytorialnego Drugiej Rzeczypospolitej 1918–1939* [From naturalism to statism: the doctrines of local government of the Second Republic of Poland, 1918–1939], Warszawa 2006 ■ R. Kamiński, *Samorząd terytorialny w III Rzeczypospolitej Polskiej: odbudowa i jej efekty* [Local government in the Third Republic of Poland: reconstruction and its effects], Łódź 2014 ■ S. Wójcik, *Samorząd terytorialny w Polsce w XX wieku* [Local government in Poland in the 20th century], Lublin 1999.

NETWORK GOVERNANCE – one of the currents of governance: it is a process of a relatively stable, horizontal expression of interdependent, but operationally autonomous actors, affecting one another through negotiations. This process takes place within a regulated, normative, cognitive and imaginary framework, and it (self)regulates within limits set by external forces. N.gov. is a response to the fragmentation, complexity and high dynamics of contemporary social processes. N.gov. has no one empirical form, it can be strictly formalized or dominated by loose, informal contacts. The examples of the former are networks based on hierarchy, legalism, planning, management and structured allocation of resources, the latter – those founded on trust, discussion, collegiality and unstructured changes. N.gov. can be implemented within an organisation or between different organisations, it can be built from the bottom-up or created top-bottom, it can be open or closed, temporary or permanent, have a limited scope or cover the whole society. N.gov. can also contribute to the formulation and creation of policies or directly to their implementation. The practical implementation of its principles affects the roles of politicians, officials and citizens. Its important problem is the lack of sufficient transparency of the network's functioning. The increase in the number of entities and stakeholders involved in the governance process often makes it – instead of becoming more pluralistic and democratic – less transparent and complicated. The n.gov. trend gained special popularity in the Scandinavian countries. (→ governance) [K. Radzik-Maruszak]

Literature: J. Torfing, *Teoria zarządzania sieciowego: w stronę drugiej generacji* [The theory of network management: towards the second generation], "Zarządzanie Publiczne" 2010, no. 3 ■ J. Torfing, *Governance Networks*, [in:] *Governance*, ed. D. Levi-Faur, Oxford 2012.

NEW PUBLIC MANAGEMENT (NPM) – the doctrine of management in public administration, characterised by defining the results-oriented activities of public administration, the aim is to increase the effectiveness and efficiency of the functioning of public administration. NPM introduces a managerial approach to the management of public sector, which is characterised by a departure from the principles of hierarchical organisation, resignation from focusing on structures, procedures and regulation for the benefit of economic mechanisms in the organisation of public administration and activities oriented on achieving results noticeable to the citizen. NPM was formed as a result of criticism of the Weberian model, i.e. bureaucratic administration. NPM is characterised by: 1. changing the position of a public administration employee – from an official to a manager; 2. implementation of rules based on the analysis of the achieved results; 3. adoption of strategic orientation and introduction of a market mechanism to the process of providing public services; 4. human resources management based on flexible terms of employment, work and pay; 5. remuneration of officials according to the efficiency of action; 6. goals set for the organisation and for the employees are clearly delimited and the scope of their implementation is

possible to assess using indicators; 7. public administration bodies may perform their functions using external entities, e.g., private entities or non-governmental organisations; 8. mechanisms of market competition in the process of providing services are used, e.g., outsourcing; 9. aligning the services offered by the administration with the client; 10. depoliticization of management through separation of public policy from operational management. (→ model of bureaucracy; Weber Max; public management) [E. Szulc-Wałecka]

Literature: *Nowe zarządzanie publiczne w polskim samorządzie terytorialnym* [New public management in the Polish local government], ed. A. Zalewski, Warszawa 2007 ■ *Studia z zakresu zarządzania publicznego* [Studies in public management], vol. 2, ed. J. Hauser, M. Kukiełka, Kraków 2002.

NOMENCLATURE OF UNITS FOR TERRITORIAL STATISTICS → NUTS

NOMINATION – one of non-contractual ways of establishing an employment relationship – alongside appointment and selection. The labour law does not include detailed regulations relating to n., which results in a multiplicity of legal acts relating to different groups of employees and institutions of nomination. The employment relationship on the basis of n. is only made in the cases specified in the separate laws called the service pragmatics that regulate the rights and duties of groups of employees in public services. Such specific regulations are included, among others, in the Civil Service Act, the Act on state offices' employees, the Teachers' Charter. N. is the basis for establishing a professional employment relationship, which differs from the obligation to work by a lack of equality of the parties: the employee (referred to in certain official relations as the functionary) and the employer. The particular nature of the work of the nominated employee is to carry out his/her duties under strict subordination, which may require him or her to be more readily available to the employer. It is expressed in the obligation to carry out instructions on the basis of which the employer has the right to temporarily change the essential employment conditions of the nominated employee. An employee hired on the basis of n. may be temporarily transferred to another office in the same or different locality, to the same or a different job position than he/she has been nominated for. Increased dependence and availability of the employee remaining in the professional employment relationship is compensated by greater employment stabilization. In the understanding of the labour law, n. is a unilateral legal act of an appropriate body, evoking – like appointment and selection – a double effect: it entrusts a given person with competences appropriate to the position he/she holds and leads to the establishment of an employment relationship. N. is an autonomous basis for establishing an employment relationship, therefore, for its validity, it does not require confirmation in the form of a contract of employment. On the other hand, the consent of the person concerned to take up employment is required, expressed directly by accepting the nomination or implicitly by actually starting to perform the duties. (→ official) [K. Mroczka]

Literature: J. Itrich-Drabarek, *Uwarunkowania, standardy i kierunki zmian funkcjonowania służby cywilnej w Polsce na tle europejskim* [Conditions, standards and directions of changes in the functioning of the civil service in Poland against the European background], Warszawa 2010 ■ K. Mroczka, *Wpływ polityki zarządzania zasobami ludzkimi w służbie cywilnej na funkcjonowanie państwa* [The impact of human resources management policies in the civil service on the functioning of the state], Warszawa 2015 ■ M. Świątkowski, *Kodeks Pracy. Komentarz* [The Labour Code. A commentary], Warszawa 2010.

NON-GOVERNMENTAL ORGANISATION (NGO) – is a legal form of citizens' organising that allows to realize the constitutional right to associate. NGOs (third sector organisations) are located between the public sector (public administration) and private sector (business enterprises). The constitutive feature of NGOs is independence of government bodies and not-for-profit activities. The NGO sector includes many subjects that assume different legal forms (→ foundations, → associations). In Poland, NGOs are legal persons or organisations without legal personality established under the rules of law, including foundations and associations, that are not acting for the purpose of gaining profit, and are not → public finance sector entities, within the meaning of the regulations on public finances. Organisations that can be considered NGOs include also political parties, trade unions, and entities without legal personality, for example simple associations, student bodies at universities, the farmer's wives' association. NGOs do not include entities from the public finance sector (e.g., local-government units, state higher education institutions), organisations whose purpose is to perform activities aimed at gaining profit, churches and religious organisations, local government units' associations. In democratic political regimes one of the goals of NGOs is supporting the state in fulfilling its basic missions. NGOs notice and act in all situations when public administration, for many objective reasons, is unable to or is incapable of dealing with important social needs. Having the necessary knowledge, experience and competences, NGOs support the public administration and local government units in performing public tasks. The cooperation may take form of financial (grants) as well as non-financial (consultations, advisory groups and teams) support. [A. Bejma]

Literature: A. Bejma, *Trzeci sektor w demokratycznych i niedemokratycznych reżimach politycznych* [The third sector in democratic and non-democratic political regimes], [in:] *Demokratyczne i niedemokratyczne reżimy polityczne* [Democratic and non-democratic political regimes], ed. J.G. Otto, Warszawa 2015 ■ M. Kisilowski, *Prawo sektora pozarządowego. Analiza funkcjonalna* [The law of the non-governmental sector. A functional analysis], Warszawa 2009.

NUTS (Nomenclature of Units for Territorial Statistics) – a classification introducing a statistical division of economic areas of the EU member states into regional levels with a given population, developed in the EU as early as in the 1970s. The aim of the classification was to create a system facilitating the

acquisition and sharing of information on regional statistics, e.g., in the field of demography or the labour market. NUTS is also used to identify problem areas, i.e. those that can receive the EU financial support. The territorial unit (administrative unit) classified under the NUTS means the geographical area with administrative authorities authorized to make administrative and strategic decisions for this area within the legal and institutional framework in force in the member state concerned. NUTS includes the division of areas into five categories, however in practice a three-tier division is used: NUTS 1: the main economic and social regions of the EU (the largest) with selected territorial units of NUTS 2 level: core regions that apply for support for regional policy (medium-sized), and in them there are territorial units of NUTS 3 level (the smallest): small regions that require a special approach. Using the NUTS classification, analyses of socio-economic development of the EU regions are carried out. The application of NUTS classification to units of individual member states is changing – every three years there is a revision of the classification and modification in the division into statistical units – these changes result in either a change of the number of these units or a change of the unit boundaries without changing their number. [M. Chałupczak-Styczeń]

Literature: A. Tomaszewicz, *Fundusze unijne a rozwój regionalny w Polsce* [EU funds and regional development in Poland], "Prace i Materiały Instytutu Rozwoju Gospodarczego" 2014, nr 94 ■ J. Wilkin, *Obszary wiejskie w warunkach dynamizacji i zmian strukturalnych* [Rural areas under conditions of dynamization and structural changes], [in:] *Ekspertyzy do strategii Rozwoju Społeczno-Gospodarczego Polski Wschodniej do roku 2020* [Expertise for the Strategy of Social and Economic Development of Eastern Poland until 2020], vol. I, Warszawa 2007.

O

OBLIGATIONS OF OFFICIALS – the specificity of work in public administration means that the public administration official is primarily meant to serve the state and the citizen, obey the constitution and other sources of law, and consciously subject oneself to limitations resulting from being a member of the public administration staff (→ public service mission). There are several types of divisions related to o. of public administration officials. The first is the division of responsibilities into the systemic and employees'. The systemic o. include complying with the constitution and other laws, prohibition of being guided by individual or group interests when settling cases, protecting the interests of the state, human and civil rights and rational management of public funds. The employees' o. include observance of rules of social coexistence, working time, work regulations and order, observance of regulations and rules of occupational health and safety, maintaining professional confidentiality. The second method of division is based on the tasks performed by the public administration officials – thus, we can divide them into general, official and non-official. The general o. include: taking an oath, loyalty, protecting the state interest, rational management of public funds (it concerns material interests, i.e. disbursement of funds in accordance with public purposes and tasks and with economical expenditures), protecting human and citizens' rights, maintaining impartiality, not being guided by individual or group interests, remaining apolitical, prohibition of strikes. O. associated with holding the office are: devotional service, reliability and disinterestedness, obedience and loyalty, keeping the state and professional secrecy, development of professional knowledge, frugality, moving to another locality or other office (only appointed officials), observance of working time, observing the rules of occupational health and safety. The non-official o. include the o. to dignified behaviour of the official on duty and outside the office. [J. Itrich-Drabarek]

Literature: J. Itrich-Drabarek, *Uwarunkowania, standardy i kierunki zmian służby cywilnej w Polsce na tle europejskim* [Conditions, standards and directions of changes in the civil service in Poland against the European background], Warszawa 2010.

OFFICE – a team of persons and material means intended for exercising public authority, within the scope defined by law. O. is associated with a → public administration body and provides substantive and specialist support as well as an auxiliary apparatus so that the body can perform its tasks in a proper manner. It is also a separate part of public administration, having its own name and its own management, which has the ability to issue business orders. O. are present at the central level, providing facilities for state authorities: the Chancellery of the Sejm, the Chancellery of the President of the Republic of Poland, ministries, etc.

Another group are the o. that support specialised central government administration bodies subordinated to the President of the Council of Ministers, ministers or the Council of Ministers, i.e. heads of the services, inspections, guards, committees, directorates, agencies, offices, etc. They are supported by the offices in performing their tasks: e.g., the Chief Pharmaceutical Inspectorate, Chief Sanitary Inspectorate, Police Headquarters, Central Office of Measures, Office of Technical Inspection, Civil Aviation Authority. They have their local representatives and bodies. In part, they also form a joint administration at the level of the voivodship and county. At the voivodship level, o. support the bodies of both the government – voivode (voivodship office), and local government – the voivodship board with the marshal at the head and the sejmik (the marshal's office). At the local level, they provide service to the municipal bodies – the village mayors and municipality councils (municipal office), in cities – mayors and presidents of the cities and city councils (city office) or municipality's auxiliary units (district office), and counties – county boards with the starost as the head and county councils (starost office). [A. Jarosz]

Literature: M. Czyżak, *Podstawy organizacji i funkcjonowania administracji publicznej* [The foundations of organisation and functioning of public administration], Warszawa 2016 ■ E. Ochendowski, *Prawo administracyjne. Część ogólna* [Administrative law. General part], Toruń 2009 ■ J. Zimmermann, *Prawo administracyjne* [Administrative law], Warszawa 2016.

OFFICIAL – in a broad sense it is a person serving in public administration, being a state or local-government official. In common terms, the concept of an official is used more extensively, also in the sphere outside public administration (e.g., bank officer). The Polish law has the concept of a → public official/functionary which is used, among others, in relation to those employed in public administration (its scope is wider than the concept of an officer). In regards to those employed in public administration, three service pragmatics apply in the Polish law: the Civil Service Act, the Act on employees of state offices and the Act on local government employees. The term "official" only appears in the first two. In the government administration, "civil servant" means a person employed on the basis of → appointment in accordance with the principles set out in the Act. In turn, the Act on employees of state offices distinguishes two basic groups of employees: state officials (who must meet statutory requirements, and the list of positions referring to them is specified in the regulation of the Council of Ministers) and "other employees". Thus, in a narrow legal sense, the term "official" refers to these two groups (civil servants and state officials). It should also be taken into account – for the broad meaning of the term – that the term "official positions" is used in the official pragmatics for government and local-government administration – and this concept has a much wider scope. With regard to government administration, it refers to the whole civil service, because the act states that the civil service corps consists of employees employed on official positions in the types of institutions

listed in the Act (which refers to the entire scope of civil service institution). In the local government, "official positions" refer to all those local-government employees who are not employed on ancillary and service positions (these are specified in a separate legal act). A further general description will refer to the broad understanding of the term "public administration official". Officials may be elected in universal or indirect elections, appointed, nominated by specific bodies or may be employed under a contract of employment. Due to the fact that the administration is a hierarchical structure, there is a subordination of the service. Therefore, the o. must execute orders of superiors. Among the o. one can distinguish a political corps consisting of people from a political assignment, indicated by the governing political parties, and the executive corps of the administration, composed of people who meet the criteria determined by the → recruitment and have substantive knowledge. Several groups of o. can be distinguished. The first one consists of people holding directorial positions (President of the Republic of Poland, Speaker of the Sejm, Speaker of the Senate, President of the Council of Ministers, ministers, heads of central offices, voivodes, etc.). The second group are members of the civil service corps, working in ministries and other government administration institutions and members of the foreign service. The next group consists of employees of state offices that do not belong to the government administration (such as the Chancelleries of the Sejm, the Senate and the President of the Republic of Poland, the Constitutional Tribunal Office, the Office of the Commissioner for the Citizens' Rights, the National Electoral Office, etc.). The fourth one consists of the employed in courts and prosecutors. Employees of the Supreme Audit Office have a separate status. The sixth group consists of local government employees, employed in municipal offices, city offices, county starost offices, marshal offices, as well as their subordinate organisational units, etc. In the public administration literature, the term "official" is usually used for basic corps of employees – for example, when talking about the ethics of officials, official-citizen relations, official crimes. The term "public service" has broader scope that is referred to in the Constitution. (→ civil service, local-government employees, access to public service) [A. Jarosz]

Literature: M. Czyżak, *Podstawy organizacji i funkcjonowania administracji publicznej* [The foundations of organisation and functioning of public administration], Warszawa 2016 ■ E. Ura, *Prawo administracyjne* [Administrative law], Warszawa 2010 ■ E. Ura, *Prawo urzędnicze* [Official law], Warszawa 2011.

OFFICIAL LANGUAGE – officially used language that is given a special legal status in a particular country, state, or other jurisdiction. Typically it is used in the national government and its works (legal acts, government documents, court statements, judgements, etc.). It may happen that in selected regions or parts of the country other language is given the status of the o.l. In that case it is legally required to publish official documents and other official materials also in this language. Usually, the concept of an official language is not used to indicate

the language used by the people inhabiting the particular country, but more to indicate the language that is operative for institutions and representatives of the authority, among others the government administration or local-government administration, courts, etc. (in this sense, the o.l. can also be characterised by: impersonal character of expression, directiveness, precision, standardization of construction of texts). The choice of the o.l. in a particular country often awakens many disputes and controversies. There is an alternative to selecting just one o.l. – that is a "multilingual office", when more than one o.l. has legal status and all the state services are available in all official languages. Today, there are many countries where a couple of languages function simultaneously, and some of the countries recognize more than one o.l. Countries that serve as examples of multilingual states are Belgium, the Philippines, Canada, Switzerland, and on the supranational level – the structure of the EU. In many constitutions the official language(s) or national language(s) (a specific language was recognised as such) are named. Five most common official languages are: Chinese (Mandarin dialect), Spanish, English (recognised as official language in more than 50 countries), French and Arabian. In countries like Spain, Italy or Russia only one o.l. is used, but in particular regions other local official languages coexist with the national one. [M. Kaczorowska]

Literature: M. Wojtak, *Styl urzędowy* [Officla style], [in:] *Encyklopedia kultury polskiej XX wieku* [Encyclopedia of the 20th century Polish culture], ed. J. Bartmiński, vol. 2, *Współczesny język polski* [Modern Polish language], "Wiedza o Kulturze", Wrocław 1993.

OFFICIAL LAW – a term defining a number of constitutional and statutory solutions, ordinances and ordinances aimed at regulating the public law status of employees and officials employed in the offices of public administration bodies and in other offices and units in the structure of public administration. Some researchers also call it public service law, which means that the regulations cover legal norms addressed to persons employed in performing public administration tasks in all state entities. A state employee as a normative category could justify a broad approach to the law, but it is only used by international agreements on the avoidance of double taxation, where a state employee is understood as natural person performing state functions for the government.

Historically, in Poland the term was used in the interwar period and just after the war. From the 1950s o.l. constantly evolved, including the name – the terms law of state service and law of state administration employees were used. Return to the classic concepts of o.l. in Poland followed the adoption of the Act on employees of state offices in 1982.

The subject of official law are employment relations; the following persons are subject to this law: persons in the process of recruitment for a clerk position, those employed in clerical positions (performing tasks of public law character, subject to the regulations specified in → official pragmatics). In Poland, o.l. embraces persons employed in official positions in government administration

(members of the civil service and foreign service corps), local government (local government employees) and in other state offices (state officials employed e.g. in the Chancellery of the Sejm and Senate, Chancellery of the President of the Republic of Poland, the Commissioner's For Human Rights Bureau). O.l. does not cover persons employed in offices who, however, do not fulfill official positions (e.g. service positions), officers of state so-called uniformed services (Border Guard, Prison Service, Customs and Tax Service, Police, State Fire Service, State Protection Service, Internal Security Agency, Central Anti-Corruption Bureau, Intelligence Agency and Marshal's Guard and the army), judges and prosecutors.

According to Teresa Górzyńska, o.l. should not be qualified as labor law due to the close relationship between regulations of the Act with the functioning of public administration as a structure of the state. (→ official) [J. Itrich-Drabarek]

Literature: T. Górzyńska, *Polish clerical law – identity crisis*, Warsaw 2016 ■ J. Itrich-Drabarek, *The Civil Service in Poland – Theory and Experience*, Frankfurt am Main 2015 ■ E. Ura, *Clerical law*, Warsaw 2012.

OFFICIAL PRAGMATICS – a legal act in the rank of an act regulating issues related to the employment relationship in public administration, i.e. competences, principles of the hierarchy of service, as well as the rights and obligations of employees and officials. It is a kind of professional (service) pragmatics, which is a concept derived from legal sciences. It is assumed that pragmatic rules take precedence over the provisions of the Labor Code, and therefore are not common and apply only to a specific group, in the case of pragm. – persons employed in clerical positions in public administration. The number of pragmatists can vary depending on the will of the legislator.

In the case when the legislator consistently implements a specific, internally coherent model of employment in public administration, the diversity of pragmatics may be minimal. On the other hand, in the absence of legislator consistency in implementing the strategy of the employment model in public administration, there are usually a greater number of pragmatic offices, which are characterized by the diversity of employment forms, the nature of legal employment relationships, the scope of duties and rights of employees and officials, catalogs of forms and modes of change and termination of employment relations, type and mode of claiming liability, etc. An example of differentiated official pragmatics are public administration employment models through employment contracts, appointments or designations. There is a different scope and nature of separateness in the content of employment relationships arising on the basis of appointment and designation in comparison with the contractual employment relationship subject to the general provisions of labor law.

There are three pragmatic offices in Poland (2019): for the civil service corps, for employees of state offices and for local government employees. There are significant differences between them, e.g. in terms of → rights of

officials. (→ official; clerical law; civil service; local government employees) [J. Itrich-Drabarek]

Literature: J. Stelina, *Official Law*, Warsaw 2017 ■ *The Transformations of the Civil Service in Poland in Comparison with International Experience*, edited by J. Itrich-Drabarek, S. Mazur, J. Wiśniewska-Grzelak, Frankfurt am Main 2018.

OFFICIALS' RIGHTS – a set of specific rights arising from either labor law or the special status granted to officials by the state, e.g. by appointment – pursuant to → pragmatics of officials (→ official). The rights of office employees and officials (especially appointed officials) differ because the rights of officials are broader. Basic rights include: legal protection on the part of the employer; professional development; periodic assessment; remuneration, special and jubilee awards and additional annual remuneration (the so-called thirteenth salary); one-time severance pay after retirement or disability pension; financial non-wage benefits; specific working time; vacation leave, health leave, unpaid leave; retirement.

Officials enjoy the legal protection provided in the Criminal Code for → public officials, which covers three issues: protection against violence; legal protection of official activities performed by a public official and protection against other types of offenses against a public official (e.g. insults, misappropriation of a public function). In Poland up to 2012, public officials were also covered by civil law protection, which meant that the State Treasury was responsible for damages caused by officials during the performance of their duties.

The right to professional development – the professional career of an official depends on qualifications, talents and achievements. The employer, separately for each position in the office subordinate to him, should develop an individual professional development program, which is the basis for training placement.

The right to periodic assessment – the assessment is used to increase the level of effectiveness of activities performed by employees and to increase the level of employee motivation and commitment, as well as indicates directions for their further development. Employee appraisals are also a tool that can be used in the de-recruitment process.

The right to remuneration is due for work undertaken, which is regulated by the Labor Code. The periods of work entitling to an allowance for long-term work include all previous completed periods of employment and other proven periods, if under separate provisions they are included in the period of work on which employee rights depend. In Poland, periods of employment do not include time of employment in the communist party (Polish Workers' Party and Polish United Workers' Party), as well as in state security bodies (within the meaning of Article 2 of the Act on disclosure of information on documents of state security bodies from 1944–1990 and the content of these documents).

In Poland, as well as other European countries, there is a discussion about the pay system in administration, and the dispute concerns the concept of justice.

In the past, the career system was considered fair – with a guaranteed salary which increased with seniority in public administration, today many believe that officials should be rewarded in a differentiated manner in line with individual effort. The implementation of a remuneration system based on results seems to be an attractive concept, but it also raises many doubts. As Christoph Demmke emphasizes, the expectation of individual treatment conflicts with the expectation of equal treatment. Other rights of a financial nature: 1. a special and jubilee award – jubilee awards are granted after working for a minimum of 20 years up to 45 years (75% and 400% monthly salary respectively); 2. a one-time severance pay – after retirement or disability pension, one-time severance pay amounting to three months' salary, and in the civil service if the period of work in this service is at least 20 years – at the amount of six months' salary; 3. benefits related to covering costs in the event of a civil servant or public official transfer to work in another city – specified in detail in the Civil Service Acts and the Act on employees of state offices; 4. benefits related to covering costs in the event of the secondment of a civil service member or public official to tasks outside the office premises – specified in detail in the Civil Service Acts and the Act on employees of state offices.

Financial non-wage clerical rights – the most common are: holiday financing, study or training funding, related to sport, as well as the possibility of using parking spaces.

The right to a specific amount of working time – in local government administration working time is governed by the general provisions of the Labor Code, while in the civil service corps and in state offices by the principles set out in official pragmatics. And so, in these two clerical corps, working time cannot exceed 8 hours a day and an average of 40 hours a week i in the accepted settlement period not longer than 12 weeks. A civil service employee is entitled to leisure time equivalent to the same amount of overtime for work performed at the order of his supervisor. A civil service official for overtime work is only entitled to leisure time in the same amount if the work was conducted at night, and for work on Sunday – a non-working day in the following week, for work on a public holiday – another day off. In case of work performed at the order of a supervisor outside the normal working hours, a public officer is entitled to remuneration or leisure time according to his choice, however the leisure time may be granted in the period immediately preceding or following the employee's holiday leave. However, in the case of government officials employed in managerial and independent positions in general offices and central state administration bodies, leisure time is only available for work outside the normal working hours performed at night and on a Sunday or holiday.

The right to holiday leave is governed in principle by the provisions of the Labor Code, including its dimension. Other rules apply to civil servants – they are entitled to additional annual leave: after 5 years of employment in the civil service – 1 day, and with each year of work – another day until reaching 12 addi-

tional days. The period of work entitling to additional vacation leave includes only the period of employment in public administration.

The right to unpaid leave – a civil servant has the right to unpaid leave while performing tasks, occupying a specific position or performing functions outside the civil service "in cases justified by public interest", e.g. applying for a councilor seat, a mandate in parliament or a senator mandate (however not during the time of performing these roles).

The right to old-age pension from the Social Insurance Fund is granted on the principles set out in the provisions on old-age and disability pensions.

A civil servant is entitled to reinstatement if the employment relationship has expired due to detention on remand, or when criminal proceedings have been discontinued or an acquittal has been issued and the official has reported his return to work within seven days of the judgment becoming final – then the director general of the office in which the official performed work is obliged to re-employ him, taking into account his professional qualifications. This provision does not apply if criminal proceedings were discontinued due to prescription or amnesty, as well as in the event of conditional discontinuation of proceedings. An appeal may be directed to the labor court in the event of refusal of re-employment in the civil service.

Some of the clerks' powers are closely related to the nature of work in administration, including the type of special obligations, such as the possibility of transfer to work in another place. Undoubtedly, some rights and obligations require further clarification, e.g. the limit of loyalty to the government or the right of freedom of expression are still unclear, specifying its limit, especially in relation to government policy. (→ civil service; local government employees; clerical law) [J. Itrich-Drabarek]

Literature: Ch. Demmke, *Civil Services Between Tradition and Reform*, EIPA, Maastricht 2004 ■ J. Itrich-Drabarek, *The Civil Service in Poland – Theory and Experience*, Frankfurt am Main 2015.

OPERATIONAL AUDIT IN THE PUBLIC SECTOR – covers mainly the compliance of operations (e.g., of a concluded contract with the public procurement law). O.a. is one of three (after financial audit and IT audit) most frequently mentioned types of audit tasks in the public sector. Currently, the typology of audit tasks outside the assurance tasks and advisory tasks is blurred. For example, each operation in a public institution (e.g., conclusion of an agreement with a project provider in a grant programme) has its financial consequences and is recorded in the IT system. Therefore, despite the presence in many typologies of this kind of tasks, auditing tasks covering both the examination of operations and the financial consequences and the course of this operation in IT systems are more and more often encountered. Such research is carried out by both internal auditors as well as external auditors and controllers. O.a. contributes to the improvement of transparency and accountability of the use of public funds, as

well as promotes efficiency and effectiveness in public administration. (→ audit) [Ł. Małecki-Tepicht]

Literature: *Standard 39 – ISSAI 100 Podstawowe zasady kontroli w sektorze publicznym* [Standard 39 – ISSAI 100. The basic principles of control in the public sector], [in:] *Standards ISSAI 100 • ISSAI 200 • ISSAI 300 • ISSAI 400*, Supreme Audit Office, Warszawa 2016.

ORDER REGULATIONS – a category of → local law acts, i.e. generally applicable acts. They are issued on the basis of a general statutory authorization in the scope not regulated in other generally applicable regulations. Authorization to act in this legal form was granted to local administration, both within the local government (municipality and county) and government administration (voivodship). O.r. can be issued in situations requiring quick reaction and taking into account local conditions. The catalogue of goods subject to protection in municipal and county local government units differs slightly. In municipalities it is: protection of life and health of citizens and ensuring security, peace and public order; in the county: protection of life, health and property of citizens, protection of natural environment and ensuring security, peace and public order. At the level of the voivodship, o.r. may concern protection of life, health and property of citizens and ensuring safety, peace and public order. As far as voivodship local government units are concerned, their bodies do not have such powers, while the right of issuing o.r. is within the scope of government administration bodies – voivode and non-joint administration bodies. In turn, the bodies authorized to issue o.r. in the municipalities and counties are decision-making bodies (councils). Exceptionally, in urgent matters, the o.r. may be issued by executive bodies (in the municipality: village mayor/mayor/president of the city, and in the county – county board), however, the condition for their validity is the approval of the decision-making body, i.e. the council during the nearest session. A special mode of publication of o.r. applies. As a rule, they enter into force three days after the publication, and in justified cases (serious threat to life, property, health and the possibility of causing irreparable damage) even on the day of publication. O.r. is published in the voivodship official journal and additionally published in the form of announcements, as well as in a manner customarily adopted on a given territory or in mass media. O.r. may establish prohibitions or orders of specific behaviour, in addition, they may provide for a penalty in the form of a fine, which is imposed by ordinary courts in accordance with the procedure and rules specified in the Law on misdemeanors. (→ publication of local law acts) [B. Węglarz]

Literature: Z. Bukowski, T. Jędrzejewski, P. Rączka, *Ustrój samorządu terytorialnego* [The system of local government], Toruń 2011 ■ J. Zimmermann, *Prawo administracyjne* [Administrative Law], Warszawa 2018.

ORDERED TASKS – public tasks belonging to the government administration, which are carried out by local-government units. O.t. refer to those types of

public tasks that should be performed both nationally and according to uniform rules, in a standardised and formalized manner. Government administration should provide financial resources for the execution of o.t., and it can issue guidelines on how to exercise them. Performing the o.t. may be obligatory and may result from special laws or may be entrusted voluntarily on the basis of an agreement between local-government bodies and government administration bodies. Performing o.t. is subject to supervision in terms of legality, expediency, reliability and economy. The o.t. include, for example, keeping records and registers, preparing and conducting general elections and referendums. The local-government unit cannot refuse to fulfil the obligatory tasks due to the lack of financial resources or establishing them at an insufficient level. (→ public tasks) [A. Jarosz]

Literature: B. Dolnicki, *Samorząd terytorialny* [Local government], Warszawa 2016 ■ Z. Leoński, *Samorząd terytorialny w III RP* [Local government in the Third Republic of Poland], Warszawa 2006 ■ J. Zimmermann, *Prawo administracyjne* [Administrative law], Warszawa 2016.

OWN TASKS − apply to the whole of public affairs of local (municipality, district) or regional (state or province) importance), with the exception of those that have been reserved by law for other entities. The aim of these tasks is to meet all the needs of the local community (i.e. the common needs, which are not merely the sum of real individual needs). The local government unit performs these tasks independently, in its own name and at its own responsibility. O.t. are divided into: 1. mandatory − local government units are obligated to their implementation, as they are the legal guarantee of the equality of all people before the law in their quest for equal access to services across the country, regardless of the place of their residence; 2. Optional − local government units implement them in so far as it is possible depending on what resources are at their disposal. According to Zygmunt Niewiadomski own tasks can be divided into tasks from the scope of technical infrastructure (e.g. roads, water supply, waste disposal, local public transport), social infrastructure (such as public education, health care, social assistance, the popularization of culture), order and public safety (e.g. flood or fire protection), urban governance and ecology (e.g. local spatial planning, municipal green, reforestation programs). (→ public tasks; commissioned tasks) [J. Itrich-Drabarek]

Literature: B. Dolnicki, *Samorząd terytorialny*, Warszawa 2016 ■ H. Izdebski, *Samorząd terytorialny. Podstawy ustroju i działalności*, Warszawa 2014 ■ Z. Niewiadomski, *Samorząd terytorialny*, [in:] *System prawa administracyjnego*, ed. R. Hausner, Z. Niewiadomski, A. Wróbel, t. 6: *Podmioty administrujące*, Warszawa 2011.

P

PARTICIPATORY BUDGET (also known as citizens' budget) – a form of public participation, → local cohabitation, in which residents of local government units decide on the allocation of part of public funds. The first p.b. was established in 1989 in Porto Alegre (in the relatively wealthy Brazilian region of Rio Grande do Sul) under the banner of increasing the participation of citizens, especially from the poor districts, in public affairs. In Poland, the circulation of p.b. has been taken care of mostly by the → non-governmental organisations. One of the pioneers was the Centre for the Development of Social Initiatives from Rybnik, which from November 2009 to October 2010 realised the project "Two Poles – Different Outskirts of the City, Different Citizens". The experiment in Rybnik was not initially continued and only in 2013 did the city authorities decide to introduce the p.b.; earlier, in 2011, Sopot became the first city that officially introduced the p.b. The functioning of p.b. is not subject to separate legal regulations – financial autonomy of local government units as a constitutional principle and provisions on → public consultations in the local government's law are the basis for it. P.b. is formally a type of public consultation, of binding importance for the authorities because of its form. Decisions are made by the inhabitants in the form of a vote: both in the traditional way and in some municipalities via the Internet, the inhabitants vote for the most interesting/important projects, previously submitted by the members of the → local community. Various procedures may be adapted for the vote, adjusted to the local conditions, e.g., some local government units may allow the participation of minors, votes can be cast separately for small-district and large-city projects, etc. (→ participatory democracy). [M. Sidor]

Literature: *Participatory budgeting. Public sector governance and accountability series*, ed. A. Shah, Washington 2007 ■ M. Sidor, *Budżet partycypacyjny – doświadczenia największych polskich miast* [Participatory budget – the experience of the largest Polish cities], [in:] *Miasta – społeczne aspekty funkcjonowania* [Cities – social aspects of functioning], ed. K. Kuć-Czajkowska, M. Sidor, Lublin 2014.

PARTICIPATORY DEMOCRACY – its essence is an active, in-person participation of citizens in creating public decisions. It consists in the fact that citizens participate in shaping public policy at every stage, i.e. planning, development and implementation. It is based on the assumption that the public is the owner of public resources and that it has the best knowledge of real needs and problems occurring in their environment, and it refers to the tradition of → direct democracy. The fundamental element of p.d. is the communication on the line of citizen – authority, because democracy in this model is based on

decision-making with the participation of citizens. Features of p.d.: 1. involvement of non-state actors, i.e. citizens, non-governmental organisations, in the decision-making process, also directly; 2. monitoring, evaluation and control of activities undertaken by the administration; 3. partnership relations between the authorities and citizens; 4. citizens can take responsibility in public life; 5. it uses and combines the elements of direct and representative democracy. Thanks to p.d. public governance ceases to be reserved for the exclusive competence of public administration and it is also open to individual citizens. The world's precursor of participatory democracy is Brazil, which was the first one to use the civic budget instrument in the city of Porto Alegre, where citizens decided to allocate a specific pool of public funds. The tools of p.d. include, for example, a → citizens' budget, a → village fund, → social councils, cooperation with non-governmental organisations. (→ social participation; participatory governance) [E. Szulc-Wałecka]

Literature: R. Górski, *Demokracja uczestnicząca w samorządzie lokalnym* [Participatory democracy in local government], Poznań–Kraków 2003 ■ R. Górski, *Bez państwa. Demokracja uczestnicząca w działaniu* [Without the state. Participatory democracy in action], Kraków 2007.

PARTICIPATORY GOVERNANCE – the direction of public management, in which citizens are perceived as stakeholders entering into dialogue with the public administration about the directions of its operation. The foundation of the concept is the active participation of citizens in the governance processes and the number of people participating in the co-decision – the more participants in the decision-making process, the greater the chance to exert an effective influence on the ruling elite, and thus on the legitimacy of actions taken by the authorities. P.g. is one of the currents of the concept of *governance*, which was formed at the beginning of the 21st century, it postulates a shift from electoral democracy towards civic democracy and a departure from treating citizens as voters and consumers and instead as co-decision-makers in solving problems and co-makers of good. At the base of p.g. is a change in the role of public authorities and remodelling the relationship between the authorities and the citizen. Public governance ceases to be reserved for the exclusive competence of public administration and it is also open to individual citizens who become co-responsible for the decision-making process. In p.g. the individual and charismatic leadership of leaders plays a special role, but also the role of local communities (forms through which citizens can participate in making decisions and implementing the adopted policy). With the development of p.g. alongside traditional forms of civic participation (such as participation in elections or referendums), new tools for engaging citizens in public life (e.g., citizens' panel, deliberative polls, civic budget) have begun to emerge. (→ social participation, participatory democracy; good governance) [E. Szulc-Wałecka]

Literature: M. Bevir, *Key concept in governance*, Berkeley 2011 ■ *The SAGE handbook of governance*, ed. M. Bevir, Berkeley 2011 ■ *The Oxford Handbook of governance*,

ed. D. Levi-Faur, New York 2012 ■ *Współzarządzanie publiczne* [Public co-management], ed. S. Mazur, Warszawa 2015.

PARTY-DEPENDENCE OF PUBLIC ADMINISTRATION (excessive politicization) – excessive interference of politicians in the functioning of public administration. Party-dependence of public administration means the replacement of substantive criteria for recruitment, selection, promotion, awards and disciplinary penalties – with political criteria. Characteristic for party-dependent public administration lack of stable employment not only means a lack of job security, a lack of protection against the loss of employment, but also the ease with which corruption is imposed. The phenomenon of party-dependence of the administration according to Barbara Kudrycka occurs in at least three cases: when the number of people with political support increases, when new political or advisory bodies are appointed in the administration and when the authority does not work for the public interest, but is directed to the interests of the party. The effect of excessive politicization is also the establishment of a policy oriented more towards the performance of the interests of the ruling party than to the common good. Governance in the case of excessive party-dependence is equalled with the system of patronage, political spoils in which the public administration is the most important goal, the prize that belongs to the election winners. The pathological politicization is joined by the concept of party nomenclature, which signifies the merging of the party apparatus with the state apparatus by appointing to the official posts persons indicated and supported by the political party, often performing party functions. Persons employed as a result of political intervention, according to Jan Boć, are generally not interested in public service, need not have the knowledge, skills and qualifications, but only be obedient to the party that directed them to work. As a consequence, the party-dependence of administration concerns also other activities, including those of substantial character. (→ political neutrality) [J. Itrich-Drabarek]

Literature: J. Boć, *Administracja a obywatel* [Administration and the citizen], [in:] *Administracja publiczna* [Public administration], ed. A. Błaś, J. Boć, J. Jeżewski, Warszawa 2003 ■ J. Itrich-Drabarek, *Służba cywilna w Polsce – teoria i praktyka* [The Civil Service in Poland – theory and practice], Warszawa 2012.

PERFORMANCE – an action or effect of action performed by the individual or collectively, with a certain intent. P. includes both the effects of implementing → public tasks (meaning products, results, impact and influence) as well as the effects of increasing the organisational capacity of the unit and streamlining its processes. P. in the literature in the field of public management and public finance is generally defined in four aspects: process, institutional, expected effects, achieving durable and sustainable effects. In the first case, the term p. (*performance as production*) is identified with the organised action taken

to implement public tasks. Examples of such understood p. are police patrols or campaigns promoting vaccination. P. as the institutional potential (*performance as competence/capacity*) is the approach aimed at assessing the quality of the institutional potential of the organisation. It is based on the assumption that a well-prepared and competent contractor obtains the desired effects. The third perspective (*performance as good results*) identifies p. with achieving the desired effects. In the last perspective (*performance as sustainable results*), both the action and the effects as well as the organisation's ability to sustainably deliver the expected effects and their continuous improvement are taken into account. The concept of achieving durable and sustainable effects is the newest (it has been developing since the beginning of the 21st century) and is closely related to comprehensive management systems of the public entity, which in a balanced way take into account both the need to improve the potential and the effects of operations. [T. Strąk]

Literature: *Budżet zadaniowy w administracji publicznej* [Task budget in public administration], ed. M. Postuła, P. Perczyński, Warszawa 2010 ■ T. Strąk, *Modele dokonań jednostek sektora finansów publicznych* [Models of achievements of public finance sector entities], Warszawa 2012 ■ *Wzorowy urząd, czyli jak usprawnić administrację samorządową, jak mierzyć jej zadania i wyniki* [Exemplary office, or how to improve local government administration, how to measure its tasks and results], ed. W. Misiąg, Warszawa 2005.

PERFORMANCE AUDIT – refers to the control of savings, efficiency and effectiveness, and includes: control of savings in administrative operations in accordance with sound principles and practice of administration or activity and economic practice; monitoring the efficiency of the use of human, financial and other resources, including the examination of information systems, performance indicators and monitoring systems, as well as the procedures used by the audited entities to address identified deficiencies; control of the effectiveness of action in relation to the achievement of the objectives of the controlled entity and control of the actual effects of the activity as compared to the intended effects. This type of audit tasks arose from the need to analyse the savings, efficiency and effectiveness of public programmes and institutions. In Poland, the Supreme Audit Office is the supreme control body. In the field of t.i.a. SAO applies the INTOSAI Standards and the ISSAI Good Practices. The auditors of the European institutions are bound by the guidelines of the European Court of Auditors. Internal auditors also use good practices and guides issued by the Institute of Internal Auditors. (→ audit) [Ł. Małecki-Tepicht]

Literature: *Podręcznik kontroli wykonania zadań* [Performance Audit Manual], European Court of Auditors, Bruksela 2002 ■ *Standardy i wytyczne kontroli wykonania zadań na podstawie standardów kontroli INTOSAI i praktyki – ISSAI 3000* [Standards and guidelines for performance audit based on INTOSAI audit standards and ISSAI 3000 practices], Supreme Audit Office, Warszawa 2009 ■ *Standards ISSAI 100 • ISSAI 200 • ISSAI 300 • ISSAI 400*, Supreme Audit Office, Warszawa 2016.

PERPETUAL USUFRUCT – a property law, indirect between proprietorial law and limited property rights. It consists in putting a parcel of land that is owned by the State Treasury, voivodship, county or municipality or a union of these units into use for a natural or legal person for a specified period of 99 years (exceptionally shorter, but not less than 40 years). It mainly concerns the land located within the administrative boundaries of cities. P.u. is strongly similar to the right of ownership, but it is not identical with it. The doctrine does not explicitly specify the nature of this legal structure, due to its unusual nature. The provisions not included in the codes on the p.u. concern mainly the use of land of the State Treasury and of local-government units as a form of managing these real estates. P.u. is a law that charges the land (property) which is an independent object of ownership. Therefore, one cannot establish the p.u. on the share in ownership if the property is the subject of co-ownership, and at least one of the co-owners is not the State Treasury or a local-government unit. Until 1989, p.u. was practically the only opportunity to acquire state lands in cities. [E. Zielińska]

Literature: J. Ignatowicz, K. Stefaniuk, *Prawo rzeczowe* [Property law], Warszawa 2012.

PERSONNEL NOMENCLATURE IN ADMINISTRATION (party nomenclature) – a concept used primarily in the → Soviet model of public administration, characterized by the supervision of public administration by the communist party. Nom. at that time was a set of positions whose filling required the consent of the relevant communist party instances. Nom. did not concern only positions in public administration, but also in elective institutions (parliament, national councils), economic (management of state-owned companies) and social life (management of social organisations, universities, trade unions). In real socialism countries, the use of this concept has also become widespread in relation to the group of people performing functions based on nomenclature.

In Western political science and sovietology, there appeared theories that recognized the nom. as the reigning class in socialism. The principle of nomenclature was implemented in different periods, applying a combination – in different proportions – two principles defined by Western sovietology as redness (ideology) and expertness (professionalism). Lower positions could be held by non-party candidates, but it was always necessary to gain approval of the local (company) party cell. It is estimated that in the USSR about 3 million jobs in 1982 were covered by the principle of nom., in the PPR in 1980 – 180 000, and in socialist Czechoslovakia in 1970 – 100 000 positions.

The concept of **party nomenclature** is linked to pathological party membership. While in the period of People's Poland it meant the merging of the party apparatus with the state apparatus by nominating to official positions members of the Polish United Workers' Party, the Democratic Party and the United People's Party, in the democratic system this phenomenon may occur in the form of staffing in public administration by persons designated and supported by the cur-

rently ruling political party. People employed as a result of political intervention are usually not guided by the interest of public service, they do not have to prove their knowledge, qualifications and skills, but only obedience to the party which gave them the job. (J. Boć). (→ civil service; political neutrality; managerial role of the party towards administration) [D. Długosz, J. Itrich-Drabarek]

Literature: L. Holmes, *Politics in the Communist World*, Oxford 1989 ■ R. Pichoja, *Historia władzy w Związku Radzieckim 1945–1991* [History of power in the Soviet Union 1945–1991], transl. M. Głuszkowski, P. Zemszał, Warszawa 2011 ■ M. Voslensky, Nomenklatura. *The Soviet Ruling Class*, London 1984.

PLAIN LANGUAGE – the idea of a plain language used in the communication of offices with citizens; the way of organising a text, which provides the recipient (citizen) with quick access to information contained in it. Distinctions of a clear and understandable message are: legibility of the text, empathy with the recipient, consistency and linguistic correctness. The purpose of the concept of p.l. is a way of communication limited by numerous rules that are supposed to reduce ambiguity, complexity and excess of information given in a professional terminology, and consequently – ensure fast and lossless decoding of the text even to poorly educated people. This is a language standard recommended to all authors and institutions writing texts addressed to both individual citizens and mass recipients. The concept used, among others, in Great Britain, the United States, Sweden, popularised in Poland, among others, by linguists from the University of Wroclaw. Researchers have developed support tools that define the level of comprehensibility/incomprehensibility of the text. For example, researchers from the University of Wrocław proposed using the text vagueness index as the main distinguishing feature of ease of communication and text – the FOG-PL index (http://www.logios.pl/). In turn, scientists from the SWPS University and the Polish Academy of Sciences, as part of a project funded by the National Science Centre, have developed the Jasnopis application (http://jasnopis.pl/aplikacja). In 2010, at the request of the Ministry of Regional Development, the University of Wrocław researchers analysed the letters regarding European funds on a sample of about half a million words. In subsequent years, the Commissioner for Citizens' Rights and the Chancellery of the President of the Council of Ministers joined the promoting of simple communication. [Ł. Małecki-Tepicht]

Literature: *Komunikacja pisemna – Rekomendacje* [Written communication – Recommendations], Chancellery of the President of the Council of Ministers, Warszawa 2015 ■ J. Miodek, M. Maziarz, T. Piekot, M. Poprawa, G. Zarzeczny, *Jak pisać o Funduszach Europejskich?* [How to write about the European Funds?], Warszawa 2010 ■ T. Piekot, G. Zarzeczny, *Prosta polszczyzna* [A simple Polish language], "Przegląd Uniwersytecki" 2013, no. 4.

PLURALISM (Latin *pluralis* – numerous) – in its broadest sense it is faith in diversity or the pursuit of diversity, multiplicity in the existence of many things. It is a theory in which reality consists of different entities, not able to be unified

into one reality. As a descriptive concept p. may indicate the occurrence of: competition between parties (political p.), diversity of ethical values (moral p. or p. of values) and diversity of cultural views (cultural p.), etc. In a narrower sense, p. is the theory regarding the distribution of political power. P. is a guarantee that the power has been widely and evenly dispersed in the community and there is no one group – the ruling elite or the ruling class, which jointly determines the policy. Thanks to the rivalry of various groups, the individual's freedom is secured. From a pluralistic point of view, politics is an arena for the clash of various subjects, but none of them should have a dominant position in relation to others. Political p. as a vision of reality arises from contradicting the beliefs about the possibility of a political body capable of representing a uniform political will of an organised community. Each political community is by nature an aggregation of diverse groups and non-identical interests, so there is no one political goal in the real sense. In a pluralistic political tradition, the individual has an unlimited possibility of political participation.

As a normative concept, p. states that diversity is healthy and desirable – it protects individual freedom and promotes debate, polemic and understanding. Democracies are usually pluralistic systems. They create the freedom to manifest all differences – as long as they do not compromise the security, pride and property of fellow citizens and the elementary principles of state order. A pluralistic state is something more than a tolerant state. Legality, the legitimacy of its authorities is based on the assumption that the state consists of many different groups different in terms of race, ethnicity, differing in terms of values, faith and ideology, and that they are all equal partners; they are not barely tolerated by the majority. (→ democracy) [J.G. Otto]

Literature: F. Gross, *Tolerancja i pluralizm* [Tolerance and pluralism], Warszawa 1992 ■ A. Heywood, *Ideologie polityczne*. *Wprowadzenie* [Political ideologies. An introduction], Warszawa 2008 ■ *Leksykon pojęć politycznych* [Lexicon of political concepts], ed. M. Karwat, J. Ziółkowski, Warszawa 2013.

POLES IN EUROPEAN EXTERNAL ACTION SERVICE – the European External Action Service (EEAS) is an EU diplomatic service responsible for the external relations, established in 2010 to ensure the coherence and effectiveness of the EU foreign policy and the EU's growing role in the world (legal basis – the Lisbon Treaty). The task of the EEAS is broadly understood support for the High Representative of the Union for Foreign Affairs and Security Policy in the conduct of common foreign and security policy and common security and defence policy, as well as in the chairmanship of the Foreign Affairs Council and Vice-President of the European Commission. The EEAS also supports the president of the European Council and the European Commission in their external relations tasks. The EEAS is represented by the High Representative and current work is managed by the Secretary General and his three deputies. The EEAS has a network of 139 delegations and offices around the world. One third

of the staff of the EEAS comes from the national diplomatic services of the member states, and 2/3 are the permanent EU officials. The EEAS is made up of employees from the General Secretariat of the Council and the European Commission, representatives of national diplomacy and local staff in the EU delegations in third countries, the so-called delegacies. As of 2016, 4252 people were employed. Of these, 1931 are employed in the Head Office in Brussels and 2321 in the EU delegations and offices abroad. In addition to permanent officials, national diplomats and assistants, the institution employs contract staff and national experts. The number of Poles employed in the EEAS has been growing steadily, with 86 employed in 2012 and in 2016 – 115 of Polish citizens (59 in the Headquarters in Brussels, 26 in the EU delegations, 28 as national experts and 2 in Junior Professionals in Delegations programme). As of 2016, Poles hold the following positions considered the most important ones in the EEAS Headquarters: director of security policy and conflict prevention, chief advisor/special envoy for disarmament and non-proliferation, Chairman of the Asia and Oceania Working Group, and head of the Human Resources and Coordination in the Budget and Administration Department, they also lead the EU delegations to the UN agencies in Rome and the Holy See, Armenia, Djibouti, in India and Jamaica. Polish citizens are heads of Political Departments in the EU delegations in Georgia, Moldova, Uzbekistan, Turkey, Senegal and Mauritius. A Pole is also the deputy head of the political department at the EU delegation in Washington. [T. Kownacki]

Literature: Ministerstwo Spraw Zagranicznych, Informacja nt. stanu zatrudnienia polskich obywateli w strukturach UE w 2015 r. [Ministry of Foreign Affairs, Information on the employment status of Polish citizens in the EU structures in 2015], February 2016 ■ R. Fromuszewicz, D. Liszczyk, *Personel Europejskiej Służby Działań zewnętrznych do przeglądu? Bilans i wnioski z dotychczasowej polityki kadrowej* [Staff of the European External Action Service for review? Balance and conclusions from the HR policy to date], Warszawa 2012.

POLICE (from Greek *politeia* and Latin *politia*) **–** nowadays, it is a uniformed and armed formation intended to protect the safety of people and property and to maintain public safety and order. It can be organised like a military model and have a specialised character. Military police forces performing civil security tasks operate in France (*Gendarmerie nationale*), Italy (*Arma dei Carabinier*) or Spain (*Guardia Civil*). They can also be of a specialised character, dealing with particular areas of → public safety or specific categories of threats (e.g., medical police, sanitary, mining, forestry, postal and other police, today such terms as inspection, guards, etc., are used). In the modern world p. appears around 1500 in France as a *police*. In the 16th and 17th centuries, the entire internal administration outside the judiciary, military and treasury were called the police (the police state). Based on the experience of the period of absolute monarchy, the theory of the so-called law and police state, or police science, developed. It distinguished itself as an independent field of science in the 18th century and included

within its scope a wide range of issues of administering the state, including the economic and financial sphere. The term "police" then had a broader understanding – in principle, it was synonymous with the concept of "state administration". It was not until the first half of the 19th century that views on security were subjected to scientific and critical reflection and related to practice. In 1829, Sir Richard Maine, the creator of the metropolitan police in London, formulated the basic principles of the police actions: the goal of an effective police is to prevent crime, then detect and punish perpetrators of crime. As the citizens became independent from the state in the period of liberalism, the area of the concept of "police" became narrower, boiling down to the prevention of all dangers resulting from human coexistence and to limiting the citizen's freedom of action in view of the good of the state. In the liberal state the police activity was preventive, so-called negative. The old, broader activity in the field of promoting the interests of the society – the so-called welfare police (*wohlfartpolizei*) – with the use of coercion went to the background. Moreover, as part of the emerging rule of law, every police action ceased to be free, it had to have a special statutory authorization. After the institutional concept of p. was formulated in the 19th century, the narrower material conception of p. gradually developed as an institution for combating threats. This narrowing was the result of the emerging liberal constitutional and legal state in which all state power is subordinated to the binding force of law. The statutes regulated a variety of administrative competences, fighting against threats was left to the p., which limited its power in the state. The result of this understanding of the scope of action of the p. was the Prussian Police Administration Act of 1931, which stipulated that it was obliged to carry out necessary measures within the established scope (under existing laws) in order to prevent both general and individual threats that violate security or public order. In the 20th century, due to the formation of totalitarian systems: fascist and communist, the activities of police services adopted an ideological character. Its functions were limited to protecting the hegemonic position of the ruling political party in the state and society. [A. Misiuk]

Literature: A. Letkiewicz, A. Misiuk, M. Sokołowski, *Policje Unii Europejskiej* [The polices of the European Union], Warszawa 2011 ■ A. Misiuk, *Administracja porządku i bezpieczeństwa publicznego. Zagadnienia prawno-ustrojowe* [Administration of public order and safety. Legal and political issues], Warszawa 2008 ■ S. Pieprzny, *Policja. Organizacja i funkcjonowanie* [Police. Organisation and functioning], Warszawa 2011.

POLICE STATE (→ police) – this term has two meanings. In the period of absolutism, the police (p.) meant the general state authority or the whole regulation carried out by the state in all areas of life (through prohibitions and orders) by means of legal provisions, in order to ensure social well-being. Its synonym is the concept of state administration. From the 18th century, people began to talk about "welfare police" and "security police" (ensuring security for citizens). This

second concept is the source of the later concept of "police state". P. began to be perceived as the supervision of the state over society, which in the 19th century had a strong connection with the birth of organisations fighting, also in conspiracy, by methods of armed fights, with the existing absolutist order (Russia, Austro-Hungary, Prussia). P. dealing with the protection of the political order began to be called the "political police". It was equipped with the right and instruments of public surveillance, including secret surveillance (eavesdropping, supervision of correspondence, secret agents in political organisations, etc., tracing) and the use of coercion (arrest). In pre-modern times, Russia in the times of Ivan the Terrible (Oprichnina) could be characterized as the police state. P. as an organised formation existed in European countries from the 18th century (France, Russia) or 19th century (Great Britain).

The essence of the p.s. is not the use of police by the executive authority or the ruling party to ensure social order and protect the constitutional order, but rather its functioning without control by law and society – enabling arbitrary action. P. independently (without supervision) and most often implicitly selects the means of action (procedures of wiretapping, interrogation, detention), there is no possibility for the citizen to question (e.g., in front of courts) both the measures taken by p. towards him/her, and the use by p. of supervision over socio-political life (supervision over parties, associations, universities). P. supervises the whole social life, gathers information about citizens without any control, often is not subject to civilian, and especially democratic social and political control. The goal is to eliminate the opposition and political opponents of the ruling group and to exercise control over, or even eliminate, civic freedoms. The powers of police and special services have a very wide and uncontrolled range and are often arbitrary and discretionary.

Examples of p.s. are foremost absolute states (e.g. Tsarist Russia – Ochrana), authoritarian (Napoleonic France – police of Minister Fouche) and dictatorial states (authoritarian and totalitarian), although not in each one of them the political police is the main subject of power. Certainly, the Third Reich (the role of the SS and the Gestapo), the Stalinist Soviet Union (NKVD), and Iraq in times of Saddam Hussein can be included in this group. The methods of the p.s. – although under the control of the party (party state) – are/were used by most of the undemocratic states, both in the past – e.g. the People's Republic of Poland, the GDR (Stasi), and now – authoritarian Arab or Asian states. The opposite of the p.s. is the rule of law, in which administrative bodies (including p.) operate on the basis and within the limits of the law established by democratic authorities, especially the parliament. [D. Długosz]

Literature: B. Chapman, *Police State*, London 1970 ■ H. Głębocki, *Policja tajna przy robocie. Z dziejów państwa policyjnego w PRL* [Secret police at work. From the history of the police state in the People's Republic of Poland], Kraków 2005 ■ J. Larecki, *Wielki leksykon służb specjalnych. Organizacje wywiadu, kontrwywiadu i policji politycznych świata, terminologia profesjonalna i żargon operacyjny* [A great lexicon of special services.

Organisations of intelligence, counterintelligence and political police in the world, professional terminology and operational jargon], Warszawa 2007.

POLICE SYSTEMS IN THE EUROPEAN UNION – the management of matters pertaining to the protection of order and public safety is reduced to two basic models: centralised and decentralised. These are the two basic organisational models reflected in legal solutions. This, however, is only the starting point for further considerations, because the entire contemporary police reality is located between these two extreme poles, since it is subject to constant changes and transformations under the influence of conditions catalogued further. Factors influencing the nature and changes of the police model in a given country are: the state system (democratic or totalitarian); social control of police activity; the role of local government in protecting public order; quantitative and qualitative development of crime; changes of the scope of tasks of police services as a result of technological and social development; historical conditions. The collapse of the communist system in Eastern Europe also resulted in many social consequences that were not anticipated at the time of the dissolution of the Eastern Bloc. On the one hand, structural and organisational changes in law enforcement systems were natural. The freedom of movement, hopes for general well-being similar to that imagined in the countries "behind the Iron Curtain" and the implementation of the free market principles resulted in a sharp increase in crime and the emergence of new forms and phenomena of social pathology. At the same time, this free flow of the criminal world caused serious consequences for the police services in Western Europe countries and North America, which repeatedly could not cope with new forms of organised crime. This gave rise to the need for structural changes in law enforcement systems in these countries, adapting to changing social conditions. In individual countries the extent of social control of these services has a major impact on the degree of centralisation or decentralisation of police organisation. Particularly at the turn of the 19th and 20th centuries, the issue of participation of the civic factor in the form of local authorities at various levels in the operation of police services played an important role in the functioning of an efficient and law-abiding system of law enforcement and in the fight against crime. The level of social control was the best testimony of the degree of development of democracy and civil society in a particular country. Some countries adopted quite radical systems and organisational solutions. The local government fulfilled the role of a hegemon in matters of protection of order and public safety with limited state participation, and the adopted system was completely decentralised. On the one hand, it reflected the domination of liberal views on the functioning of society and public life (the theory of the so-called free commune), on the other hand, it reflected the specificity of development of individual European countries. The development of civilization, technological and economic progress, and at the same time the antagonism of social relations and the increase in common crime

meant that the protection of public order required that police services become increasingly professionalised. Therefore, over time, the dominance of the local government over police became an anachronism. A slow process of "nationalizing" police issues was initialised and took various forms depending on the tradition, the political system and legal system in force in a given country, and the role of → local government in exercising the local administrative authority. Two types of systems developed in this sphere, which had serious implications for the organisation of police services. The first type of local government was developed in Anglo-Saxon countries and it enabled citizens to administer public affairs directly through bodies they chose. The second type applied in continental countries, where the residents had an influence on public affairs by cooperating in this area with state officials. In the 20th century, as a result of the crisis of values and turbulent economic, social and national changes, a new form appeared – the totalitarian state. Initially in the form of post-revolutionary Soviet Russia, later in the form of fascist countries (Nazi Germany and Mussolini's Italy), and finally, after World War II, a block of communist states was formed, headed by the USSR. The totalitarian state (no matter whether fascist or communist) is marked by an extremely centralised and bureaucratic police system, because this enables control of public life and limits civil liberties. The fight against crime is assessed in political terms. From the middle of the 20th century, along with the progress of civilization and the stormy development of new forms of threats and crimes, the need to create specialised police services became indispensable. At the same time, within particular departmental structures, centralised structures were created to ensure rapid information flow, efficient organisation of the fight against crime and professional effectiveness.

Nowadays, the formed models of law enforcement and public security systems in the European Union countries can be classified as follows: 1. One-entity model, within which one can distinguish: a. the state system, which can be either decentralised (more or less, depending on the specificity of a given country) or centralised (with a specific participation of local authorities and the social factor); b. the local government system (historical form). 2. The multi-entity model, also in two variants of the system: a. the centralistic option – assumes the existence of many types of police services differing in origin (including local government services), subordination, territorial scope, competence and functionality; b. the decentralised option. (→ police, public safety, public order) [A. Misiuk]

Literature: A. Misiuk, A. Letkiewicz, M. Skołowski, *Policje Unii Europejskiej* [Police of the European Union], Warszawa 2011.

POLITICAL CABINET – a team of political advisers, closest, most trusted associates of: the president of the council of ministers and ministers in government administration. The p.c. perform mainly advisory functions of a programmatic and generally political nature. In the government administration they are the so-called political factor serving the executive – the administration serving the

governance processes. P.c. of the president of the council of ministers functions in the structure of the chancellery of the president of the council of ministers, p.c. of the ministers – in the structures of individual ministries. Members of the p.c. (the so-called political officials) in the Polish system are excluded from the provisions on → civil service. Originally, these people were employed on clerical positions, but since 1997 the principle was adopted that political advisors of government officials holding executive positions in the government administration are employed only for the time the persons they advise are in office. The head of the p.c. acts as the direct supervisor of the advisers and is also an assistant to the president of the council of ministers/a minister. The functions of the p.c. of the prime minister and the p.c. of the minister are different – which is due to differences in the position and competence of the body for whom they provide service. The p.c. of the prime minister cooperates with p.c. of other members of the government, covering with their activities such matters as the programme and political issues of the council of ministers (government policy). The p.c. of the minister fulfils the tasks related to the substantial and political strategy of the ministry, it cooperates with p.c. of other members of the government. In government administration in Poland the number of members of p.c. is not defined. Until September 2017, the term p.c. was also used to mean a team of closest associates (→ assistants and → advisors) of village mayors/mayors/presidents of cities, voivodship marshals in local government administration (in 2017 these positions, introduced in 2008 in the Act on local government employees, were liquidated, there was a limit for both position groups). [J. Itrich-Drabarek, E. Zielińska]

Literature: M. Kulesza, A. Barbasiewicz, *Gabinety polityczne w polskim ustroju administracyjnym* [Political cabinets in the Polish administrative system], [in:] *Gabinety polityczne. Narzędzie skutecznego rządzenia* [Political cabinets. A tool for effective governing], ed. D. Bach-Golecka, Kraków–Nowy Sącz 2007.

POLITICAL NEUTRALITY – means abstaining by the public administration official from activities characterized as political activity (in Poland the term is used interchangeably with being apolitical). The public administration official does not belong to political parties, does not participate in the election campaign to any of the elected bodies in the general election, does not form parties and political parties and does not participate in political party's works, does not manifest publicly his/her political views and preferences, does not create an unpleasant atmosphere at work due to political views, does not discriminate or prefer subordinates, colleagues and citizens for political reasons, does not allow political influence on recruitment, selection and promotion in public administration, is not dependent on the influence of professional organisations, local government and other social organisations, does not express political views on social networks. The ban on the political activity of public administration officials, by building clear relationships on the citizen–state line, provides a guarantee that

they serve the public, that the public interest and the fulfilment of the function of the state, considered as one body, is superior for them. Therefore, employees and public administration officials are required to treat all citizens equally, regardless of their political views, but also for example regardless of race or religion. Neutrality of the employed in public service means that the action of public institutions is based on the principle of objectivity and the elimination of influence on their work of factors such as their own political, religious and ideological convictions, as well as the detachment from various interests of parties or groups. Public administration officials do not have to agree with the government's decisions or policies, but they are required to follow the political lines of the people elected in the general election, who are at the head of the state, to carry out their duties with due diligence. The influence of politics on the administration, as argued by B. Guy Peters, is becoming increasingly clear in today's world, because the officials, in the exercise of their functions and tasks, interact with politicians who are members of parliament, politicians performing official functions, and other officials. The work of civil servants is also influenced considerably by relationships and pressures of an informal nature, various types of interest groups, and non-parliamentary lobbies. Relations with these entities are not always plain and clear, so officials are subject to pressure of various, often conflicting interests. (→ impartiality) [J. Itrich-Drabarek]

Literature: J. Itrich-Drabarek, *The Civil Service in Poland – Theory and Experience*, Frankfurt am Main 2015 ■ J. Itrich-Drabarek, *Etyka zawodowa funkcjonariuszy służb państwowych* [Professional ethics of the state officials], Warszawa 2016 ■ G. Peters, *Administracja publiczna w systemie politycznym* [Public administration in the political system], Warszawa 1999.

POLITICAL THEORY OF LOCAL GOVERNMENT – a theoretical concept whose source was the Hegel's dialectic method according to which the state and the society are two contradictions conflicted with each other which result from different motivational goals, and an analysis of experiences of Great Britain regarding the local government. The state, in order to counteract the society's pursuits, creates the so-called *self-government*, whose task is to subordinate social interests and fulfil state obligations. In Great Britain, the system of the units of local government was built on the principle of deconcentration – it is a system where lower offices are subordinated to higher or central ones which means that their acts are neither final nor independent; however this subordination is not expressed in division into levels. This rejection of decentralization in favour of deconcentration was linked to an assumption that local government should be viewed as a political notion that does not result from any legal rule. An important factor which were to decide about the local-government character was the composition of its bodies. Rudolf von Gneist indicated that it was key that honorary officers, not salaried for their work, took part in the work of self-government bodies. This was supposed to guarantee their independence from parties

who had power, and in consequence a complete devotion to serve the local community. This element was so important for Gneist that he rejected the legal personality as a constituting element for local government. [M. Jęczarek]

Literature: T. Bigo, *Związki publiczno-prawne w świetle ustawodawstwa polskiego* [Public-law associations in the light of the Polish legislation], Warszawa 1990 ■ J. Panejko, *Geneza i podstawy samorządu europejskiego* [Genesis and bases of the European self-government], Wilno 1934 ■ S. Wójcik, *Samorząd terytorialny w Polsce w XX wieku: myśl samorządowa: historia i współczesność* [Local government in Poland in the 20th century: local-government thought: history and modernity], Lublin 2007.

POLITICS – Franciszek Ryszka notes that p. is as old a concept as the history of our culture and refers to the part of interpersonal relations characterized by domination, government, power – the decisions of one man or a group of people imposed on others and enforced. He brings the definition of p.to the statement: p. is a planned and organised pursuit of gaining and maintaining power – a pursuit which corresponds to certain human actions. This definition refers to the classical definition of Max Weber: p. is a desire to take part in power or to influence the division of power, whether between states or within the state among the groups of people that it covers. In his opinion, the one who cultivates the p. is seeking power – the power understood as a means of serving other purposes, ideal or selfish, or to power itself, in order to benefit from the sense of dignity which it gives. According to Weber, p. in the broader sense is any kind of self-governing action, in the narrower – a set of activities undertaken with the intention of participating in power – either between states or between groups within the state. Chancellor Otto von Bismarck noted that p. is not a science… but art, and Johann Wolfgang von Goethe called it the domain of dirt. There are five most popular concepts of p.: classic, coercive, conflicting, consensual, concept of p. without ideology. 1. The classic concept of p. in essence synthesizes three basic assumptions: the objective of p. is the common good of citizens; caring for the common good requires careful management of the state; management of the state is an art requiring knowledge, skills and psychological predisposition, hence the most popular and one of the oldest terms is: p. is the art of state management. What lies in the centre of the classic interpretation is the problem of power and state institutions. The key term is the state. The origin of this concept goes back to the ancient Greek tradition. The word p. comes from the term *polis* – p. in this view was connected with the issues of polis and as a result it was what concerned the polis. 2. In the coercive concept of p., the emphasis is placed on the basic task of a modern state, namely the care for safety and the maintenance of public order. Therefore, p. is the legitimate application of the means of public regulation, including coercion, not only to the human body, but also to the material goods that are his property. Coercive policy is the p. of the state of law. 3. In the conflicting concepts of p. the key terms are: contradiction, aggression, violence, combat, disintegration, confrontation. Conflict

is characterized by the fact that the parties strive for mutually exclusive goals, which generally have an existential value for them (e.g., the territory of the state, its sovereignty), it is resolved by battles, during which new enemies and allies appear. The conflicting views of p. occur in many variants, for example, in Carl Schmitt's decisionism, what is political is constituted by the relationship between us and the enemy. The terms "friend" and "enemy" have a concrete existential meaning. The enemy is a fighting or at least ready-to-fight organised group of people who stands in the way of another, similarly organised group. Politics is thus reduced to maintaining the social order and locating anyone who can take hostile actions. The existential antagonisms are always taken into account and the nature of the enemy is described as the one who disturbs the order in the state. Schmitt's politicalness assumes a constant dispute, or more precisely, the ever-present willingness to dispute. 4. In consensual concepts, p. is perceived as the art of reaching a compromise, eliminating violence in interpersonal relations – p. as a consensus. As in the sentence: consent builds, dissent ruins. The proponents of such an optics are, above all, liberals. They reduce the p. to the need to safeguard the conditions of civil liberties and to eliminate the causes of its limitations – such as wars, conflicts. In this specific view, p. is a method based on compromise and negotiation, not on coercion and naked power. 5. In concepts of p. without ideology, it is perceived as the art of being chosen and having been chosen. Being chosen becomes an end in itself, not a means leading to the right political goal. Political success is measured by the number of received votes. P. is limited to the fight for the acquisition of the political market, that is, primarily, the support of voters. The market is governed by the laws of supply and demand, and the offered goods require promotion. (→ politics and administration according to Weber) [J.G. Otto]

Literature: F. Ryszka, *Nauka o polityce* [Science about politics], Warszawa 1984 ■ M. Weber, *Polityka jako zawód i powołanie* [Politics as a vocation], Kraków 1998 ■ *Społeczeństwo i polityka. Podstawy nauk politycznych* [Society and politics. The fundamentals of political science], ed. K.A. Wojtaszczyk, W. Jakubowski, Warszawa 2007.

POLITICS AND ADMINISTRATION ACCORDING TO WEBER – In Max Weber's opinion, not everything that was connected with state activity was politics. The **politics** is an activity, which is the subject of state activity related to the creation of new values and taking up problems which in the future may be decisive for the destiny of the nation, and it is inherent in the use of state power in the sense of using the power to accomplish previously determined tasks. Weber, aware of the axiology and goals of political activity, sought to clearly delineate its sphere of activity from the notion of **administration**, which is also directly related to the sphere of state power. The essence of the differences in comparison between the two spheres: 1. The task of politics is to set new goals for state activity – the goal of administration is to realize them. 2. If politics has a creative character, then administration behaves imitatively. 3. If politics works

in a deeper perspective on the future vision of government objectives, administration implements current objectives, legally regulated and generally known. 4. Politics in its decisions refers to the recognized general tendencies of the formation of social life – administration operates within the limits of a specific procedural-competence scheme. 5. Politics works in a highly "individualised" way. Administration is based on "impersonality". 6. If politics follows its own will, then administration is then the performer of the will of another. 7. Politics realizes its responsibility in extremely broad terms (before future generations, before history, conscience…). Administration is subject to specific legal-disciplinary liability as a result of the legal regulations. 8. Politics can be characterized by no clearer boundaries of action or division of competences or specialisations. Administration is based on competence, material, field or specialisation. (→ Weber Max) [J.G. Otto]

Literature: M. Orzechowski, *Polityka-władza-panowanie w teorii Maxa Webera* [Politics-power-reign in Max Weber's theory], Warszawa 1984 ■ A. Sylwestrzak, *Historia doktryn politycznych i prawnych* [History of political and legal doctrines], Warszawa 1999 ■ M. Weber, *Polityka jako zawód i powołanie* [Politics as a vocation], Warszawa 1989.

POSITIONAL MODEL OF CIVIL SERVICE – also known as open or contractual model, is based on the recruitment of candidates for specific positions. Recruitment methods are modelled on principles adopted in the private sector. The senior official assesses the employee's performance and achieved results. There are no separate provisions governing the civil service, in particular those relating to disciplinary proceedings. The provisions governing the employment issues (working conditions, wages and pensions) are defined in the framework of a collective agreement resulting from negotiations between the government and the trade unions. Wages are determined on the basis of the assessment of difficulty and responsibility of a specific position, but are also dependent on the labour market situation. The agreements with employees are flexible and adapted to the needs of the employer. The work conditions are similar to those in the private sector. The experience from the employment in private sector counts equally as in the public sector. For promotions to higher positions, experience from outside the public sector is helpful. It is not a model that guarantees long-term employment – employees are hired for a fixed period of time on a contract basis and are not automatically promoted for the next levels of the service hierarchy. Performance management is based on target contracts. In this model, entry and intermediate positions are open to the EU citizens and therefore foreign workers' professional experience is recognized. Training is not compulsory. The disadvantage of the positional model is the loss of professional stabilization of officials, which translates into a weak sense of → public service mission. The loss of institutional memory is associated with weak stability of staff, resulting in the emergence of a "broken door effect", that is a cyclical training of the

newly employed on the procedures and mechanisms of the institution, which negatively affects quality, efficiency and labour costs. The proponents of this model emphasize its flexibility, motivation, individualized wage system, dependent on the results achieved by an official, a decentralized recruitment system, coupled with a lack of preference for former officials in the recruitment process, informality of contacts between senior and lower officials (they are voluntary, free, and natural), increased productivity, openness to communication with the public, improved communication between particular units and the political level. Countries with a positional model include: Denmark, the Netherlands, Finland, Sweden, Bulgaria, the United Kingdom, Estonia, Norway (and among the non-European countries, e.g., the USA, New Zealand). [J. Itrich-Drabarek]

Literature: J. Itrich-Drabarek, *Uwarunkowania, standardy i kierunki zmian służby cywilnej w Polsce na tle europejskim* [Conditions, standards and directions of changes in the civil service in Poland against the European background], Warszawa 2010 ■ J. Itrich-Drabarek, *The Civil Service in Poland – Theory and Experience*, Frankfurt am Main 2015.

PRECAUTIONARY AND REMEDIAL PROCEDURES (Polish: procedury ostrożnościowe i sanacyjne) – thresholds and procedures introduced in order to ensure strategic security of public finances, consisting in minimizing the risk of exceeding the state public debt (SDP) to GDP ratio allowed by the Polish Constitution. The essential element of pr.p. are two thresholds set by the relationship of SDP (increased by the amount of expected payments for sureties and guarantees granted by entities of the public finance sector) to the gross domestic product (SDP/GDP): 1. the first pr.thr. – if the SDP/GDP ratio is greater than 55% and less than 60%; 2. the second pr.thr. – if the SDP/GDP ratio is equal to or greater than 60%. Pr.p. are a set of actions and measures aimed at bringing the SDP/GDP ratio to the preferred level, i.e. below 55%. In the case when the first pr.thr. is reached, among others: 1. no state budget deficit is expected; 2. no salaries of employees of the state budget sphere are expected to increase; 3. the council of ministers presents the Sejm with a remedy program aimed at reducing the SDP/GDP ratio to below 55%; 4. budget expenses of local-government units specified in the budget resolution for the following year may be higher than the incomes of this budget increased by the budget surplus from previous years and free funds only by the amount related to the implementation of tasks from the funds referred to in the Public Finances Act. If the second pr.thr. is reached, actions foreseen for the first threshold are taken and additionally, among others, the budget of local-government units for the following year cannot contain a deficit. [T. Strąk]

Literature: E. Chojna-Duch, *Prawo finansowe. Finanse publiczne* [Financial law. Public finances], Warszawa 2017 ■ S. Owsiak, *Finanse publiczne. Współczesne ujęcie* [Public finances. Contemporary perspective], Warszawa 2017 ■ A. Wernik, *Finanse publiczne* [Public finances], Warszawa 2014.

PRESIDENT OF THE CITY – a name of the executive body in the largest Polish cities. It applies to cities that meet one of the following three conditions: the city has more than 100,000 inhabitants (e.g., Warsaw, Łódź, Katowice, Bydgoszcz, Kielce, Toruń, Płock, Rzeszów); the city was the capital of the voivodship until 1998 (e.g., Siedlce, Ciechanów, Ostrołęka, Suwałki, Leszno, and Konin); the president was at the head of the city at the time of recreation of local government in May 1990 (e.g., Otwock, Pruszków, Legionowo, Pabianice, Zgierz, Sopot, Kołobrzeg, and Świnoujście). In a city with county rights p.o.c.: acts as a starost; chairs the security and order committee. Moreover, in these cities a joint administration is subject to his/her supervision, which comprises: a town hall; county labour office which is the organisational unit of the city; organisational units constituting an auxiliary apparatus for the heads of municipal services, inspections and guards. In years 1990–2002 p.o.c. came from indirect elections, he/she was elected by city councillors. (→ executive body of local government; city with county rights) [J. Wojnicki]

Literature: Z. Bukowski, T. Jędrzejewski, P. Rączka, *Ustrój samorządu terytorialnego* [The system of local government], Toruń 2013 ■ A. Piekara, *Samorząd terytorialny i inne formy aktywności społecznej: dawniej i dziś* [Local government and other forms of social activity: in the past and present], Warszawa 2005 ■ J. Regulski, *Samorząd III RP: koncepcje i realizacja* [Local government of the Third Republic of Poland: concepts and implementation], Warszawa 2000.

PRESIDENT OF THE COUNCIL OF MINISTERS (also *prime minister*; French *premier* – the first one) – the constitutional body of the executive in the Republic of Poland, he/she represent the → Council of Ministers (CoM, government), he/she is responsible for the activities of the whole team, and sometimes also for activities of individual members. He/she is the most important in the government (*primus inter pares*). Depending on the country, the position has different names: for example, in Great Britain – *prime minister*, in France – *le premier ministre*; in Poland – the president of the council of ministers (*premier*); in Germany – chancellor, in Ireland – *taoiseach*. P.c.m. can be the leader of one-party government and at the same time of the majority party in the parliament, he/she can also be the leader of a coalition of two or more political parties. The head of the c.m. not always leads the government/cabinet that has the support of the majority – this is the case of minority government. In presidential systems it is the → president who is the leader of the government and the whole executive. In the systems of parliamentary-cabinet rule, the formally dualistic executive is divided between the government, with the p.c.m. as its head, and the head of the state. P.c.m. governs by the parliamentary majority and with its support. In Poland p.c.m. is designated and then appointed by the President of the Republic of Poland. P.c.m. represents the government and directs its activities. In order to realize the statutory delegations, he/she issue regulations, and directives of internal character, issued only on the statutory basis. He/she ensures

the implementation of the policies adopted by the CoM and specifies the manner of their implementation and coordinates and control the work of members of the CoM. He/she exercises supervision (regarding the legality of actions) of local government and is the official superior of employees of the government administration and the superior of the → civil service corps. The Prime Minister can submit to the Sejm a motion requiring a vote of confidence. He/she can request from the President of the Republic of Poland to make changes in the composition of the government. P.c.m. submits the resignation of the CoM at the first sitting of a newly elected Sejm. He/she also submits the resignation of the CoM in the instances: when a vote of confidence in the CoM has not been passed by the Sejm; when a → vote of no-confidence has been passed against the CoM; when the Prime Minister himself has resigned from office. [I. Malinowska, M. Kaczorowska]

Literature: L. Garlicki, *Polskie prawo konstytucyjne. Zarys wykładu* [Polish constitutional law. An outline of a lecture], Warszawa 2016 ■ S. Patyra, *Prawnoustrojowy status Prezesa Rady Ministrów w świetle Konstytucji z 2 kwietnia 1997 r.* [The legal status of the President of the Council of Ministers in the light of the Constitution of 2nd April 1997], Warszawa 2002 ■ *The presidentialization of politics: A comparative study of modern democracies*, ed. T. Poguntke, P. Webb, Oxford 2005.

PRESIDENT OF THE REPUBLIC OF POLAND – a monocratic body of the state (the so-called head of state), one of two elements of the executive branch (next to the → Council of Ministers). Established by the March Constitution of 1921, abolished in years 1952–1989, restored under the April Novelization of 1989. Between 1939 and 1990 the Pres. operated in exile in London. In December 1990 the insignia of power of the Pres. of the Second Republic of Poland were handed over to Lech Wałęsa, the first Pres. chosen in general elections. The mode of selection of the Pres. of the Republic of Poland was diverse – the president was elected by: the National Assembly (the Sejm and Senate) in 1922, 1926 and 1933; electoral college (this mode was not used); the Sejm of the Republic of Poland in 1947; again by the National Assembly in 1989; in the general elections since November 1990.

Since 1990 the Pres. is elected by the nation in universal, equal and direct elections, conducted by secret ballot. Only a Polish citizen who, no later than the day of the elections, has attained 35 years of age and has a full electoral franchise in elections to the Sejm, may be elected president. The candidate can be proposed by at least 100,000 citizens having the right to vote in elections to the Sejm. The candidate who has received more than half of the valid votes is considered elected president; if none of the candidates has received the required majority of votes, then a repeat ballot is held on the 14th day after the first vote with two leading candidates. The Pres. serves a 5-year term of office commencing on the day of oath in the presence of the National Assembly. The Pres. may be re-elected only for one more term.

The Pres. of the Republic of Poland is equipped with the following competences: with respect to the Sejm and Senate (summoning the first sitting of the chambers of parliament, proclaiming election dates, shortening the term of office of the Sejm and Senate in instances specified in the Constitution, right to introduce legislation, right to return the bill to the parliament for reconsideration); in relation to the Council of Ministers (right to participate in government meetings, convene the Cabinet Council, appoint the Council of Ministers, dismiss the Council of Ministers in certain constitutional situations, dismiss a minister after the Sejm has passed a vote of no confidence or at the Prime Minister's request); in relation to the judiciary (appointment of judges, the First President of the Supreme Court, the President and Vice-President of the Constitutional Tribunal, the President of the Supreme Administrative Court). The Pres. appoints members of the Council of Monetary Policy, members of the National Security Council, two members of the National Council of Radio Broadcasting and Television. The Pres. submits to the Sejm an application for the appointment of the President of the National Bank of Poland. He establishes the statute of the Presidential Chancellery and appoints its Chief. The Pres. of the Republic of Poland issues orders and ordinances on constitutional principles. He also has discretionary powers – the law of grace, the appointment of university professors, granting Polish citizenship, awarding orders and decorations, promotion to the highest rank in uniformed services (police, army, etc.).

The Pres. is a representative of the state in foreign affairs, he ratifies and denounces international agreements, of which he notifies the Sejm and Senate. Before ratifying an international agreement, he may refer to the Constitutional Tribunal to determine its constitutionality. In the field of foreign policy, the Pres. of the Republic of Poland cooperates with the Council of Ministers (the Prime Minister and appropriate minister). He appoints and recalls plenipotentiary representatives of the Republic of Poland in other countries and at international organisations. He receives the Letters of Credence and recall diplomatic representatives of other states and international organisations accredited to him. The Pres. is the supreme commander of the Polish Armed Forces. During the time of peace, the Pres. of the Republic of Poland exercises command over the armed forces through the Minister of National Defence. He appoints the Chief of the General Staff, commanders of branches of the Armed Forces for a specific period of time. For the period of war, the Pres. acting at the request of the Prime Minister appoints the Commander-in-Chief of the Armed Forces.

The Marshal of the Sejm performs the duties of the head of state in the following circumstances: 1. death of the Pres.; 2. the President's resignation from office; 3. declaration of the invalidity of the election to the Pres. or other reasons for not assuming office following the election; 4. a declaration by the National Assembly of the President's permanent incapacity to exercise his duties.

The Pres. is not politically accountable, he can only be held accountable for an infringement of the Constitution or statutes. The resolution requires a majority

of 2/3 of votes of the statutory number of members of the National Assembly, and the indictment is brought before the Tribunal of State for an infringement of the Constitution or statute. The Pres. may also be held accountable before the Tribunal of State for committing an offence. [J. Wojnicki]

Literature: J. Ciapała, *Prezydent w systemie ustrojowym Polski (1989–1997)* [President in the political system of Poland (1989–1997)], Warszawa 1999 ■ P. Sarnecki, *Prezydent Rzeczypospolitej Polskiej: komentarz do przepisów* [President of the Republic of Poland: commentary on the regulations], Kraków 2000 ■ T. Słomka, *Prezydent Rzeczypospolitej po 1989 roku: ujęcie porównawcze* [President of the Republic of Poland after 1989: a comparative approach], Warszawa 2005.

PRINCIPLE OF ACTIVE PARTICIPATION OF THE PARTIES IN THE PROCEEDINGS – a general principle of the c.a.p.: public administration bodies are obliged to ensure that the parties participate actively at every stage of the proceeding. In particular, prior to issuing the decision, the party should be able to refer to the collected evidence, materials and presented requests. This principle may be restricted and public authorities may withdraw from it when the matter is dealt with urgently, but it must be justified in the presence of an important premise, for example a threat to human life or health or threat of permanent material damage. In that case, the public administration body should indicate the reason for the withdrawal from the principle of active participation of the parties by means of an annotation in the case files. This principle is a procedural right, the party is not obliged to actively participate in the proceedings, but has the option. The active participation of the parties in the proceeding is manifested in: the right of voluntary initiative, the right to take active part in the evidentiary procedure, the right to express their views on the results of the evidentiary procedure, as well as on the evidence and materials in the case, and also the right of the party to inspect the case files. If the party did not take part in the case not through their own fault, the proceedings are resumed and ended with the final decision. [E. Zielińska]

Literature: *Postępowanie administracyjne* [Administrative proceedings], ed. T. Woś, Warszawa 2017.

PRINCIPLE OF CONCILIATORY SETTLEMENT OF DISPUTES – a general principle of the c.a.p.: public administration bodies in matters the nature of which permits it, strive for amicable settlement of disputable issues and determination of rights and obligations being the subject of the proceedings. This is the case when the nature of the case speaks for it, or if it can be significantly accelerated or simplified, and also when it is not ruled out by another legal provision, in particular by taking steps: 1. that encourage the parties to reach a settlement in matters in which parties with contentious interests participate; 2. that are necessary to carry out mediation. Mediation is a new instrument implemented from 1st June 2017. Its purpose is to clarify and consider the factual and legal circumstances of

the case and make arrangements for its settlement within the limits of applicable law, at every stage of the proceedings. This means that a → decision or → administrative settlement may be issued as a result of it. [E. Zielińska]

Literature: *Postępowanie administracyjne* [Administrative proceedings], ed. T. Woś, Warszawa 2017.

PRINCIPLE OF CONVINCING – a general principle of the c.a.p.: public administration bodies must explain to the parties the validity of the premises that guide the settling of the matter. In this way, decisions can be executed by all parties without the need to resort to coercive measures, which is of particular importance in the case of a negative decision. An important role in the implementation of p.c. plays the justification of an administrative decision in legal and factual terms. The party should feel that in the light of the applicable provisions the decision is the most advantageous for them. P.c. imposes a duty of diligence on the public administration body in justifying its decisions. This is particularly important if an administrative decision is made in the area of administrative recognition. P.c. does not create new procedural institutions, but it has the task of penetrating the entire administration activities, throughout the proceedings, so that the party at every stage of the proceedings would be convinced of its reliability and diligence. [E. Zielińska]

Literature: *Postępowanie administracyjne* [Administrative proceedings], ed. T. Woś, Warszawa 2017.

PRINCIPLE OF COURT CONTROL OF FINAL DECISIONS – a general principle of the c.a.p.: decisions issued by public administration bodies may be appealed to the administrative court because of their illegality, under the terms and in the mode specified in separate statutes (→ administrative courts). The law on proceedings before administrative courts even provides for a wider scope of cognitions of administrative courts. This principle is an extension of the constitutional principle of a democratic state of law (the constitution provides that everyone has the right to take to the court proceedings to investigate violations of law and freedom). The Constitution of the Republic of Poland also includes the right of administrative courts to control the operation of public administration. When a dispute arises as to the legality of actions of public administration, then it becomes the subject of appeal and administrative court proceedings. This procedure can be based only on the criterion of legality. In the administrative courts, in the first instance, → voivodship administrative courts adjudicate, in the second, the → Supreme Administrative Court. [E. Zielińska]

Literature: *Postępowanie administracyjne* [Administrative proceedings], ed. T. Woś, Warszawa 2017.

PRINCIPLE OF INSPIRING PARTICIPANTS OF PROCEEDINGS WITH TRUST TO PUBLIC AUTHORITIES – a general principle of the c.a.p.: public

administration bodies conduct proceedings in a way that inspires their participants with trust in public authorities, while being guided by the principles of proportionality, objectivity, and equal treatment. This principle is often indicated as the one that links the general principles of → administrative proceedings. A number of other principles are derived from it, which have not been codified in Polish legislation, but their existence results from the constitutional principle of a democratic state ruled by law. Strengthening trust should be realized by fulfilling the application of predictability of public administration body's behaviour and legal certainty. Therefore, the guarantee of the feasibility of this principle is an exemption from the case in order to ensure the impartiality of the body. An important role in the functioning of this principle is the justification of the administrative decision. It cannot be formulated in general, because its purpose is to present the relevant reasons for the decision, which will convince the addressee of the administrative act to voluntary execution. Of particular importance is the attitude of employees to the petitioner, which is why it is assumed that the official should be as helpful and kind as possible. [E. Zielińska]

Literature: *Postępowanie administracyjne* [Administrative proceedings], ed. T. Woś, Warszawa 2017.

PRINCIPLE OF OBJECTIVE TRUTH – a general principle of the c.a.p.: means that public administration bodies are obliged to take all necessary steps to accurately explain the facts. The body is obliged to collect and consider all evidence in a given case. P.o.t. realizes, among others, the right of the party to actively participate in the proceedings. P.o.t. is included in the provisions of the c.a.p., it is the main principle of → administrative proceedings, it has an impact on its entire shape, especially on the distribution of the burden of proof. P.o.t. entails the obligation to examine all the facts of the case in order to reproduce its actual picture and to have a basis for the application of the relevant legal provision. P.o.t. is connected with the → principle of the rule of law – a public administration body is obliged to undertake activities aimed at establishing a factual situation, but only in a manner consistent with the law. Application of the p.o.t. is not limited to the protection of individual rights in dealing with individual matters in the form of an administrative decision, but also to protect the public interest. [E. Zielińska]

Literature: *Postępowanie administracyjne* [Administrative proceedings], ed. T. Woś, Warszawa 2017.

PRINCIPLE OF OBLIGATION TO INFORM – a general principle of the c.a.p.: an obligation of public administration bodies to inform parties about actual and legal circumstances in a proper and exhaustive manner. Any information may influence the definition of the rights and obligations of parties subject to administrative proceedings, and the parties and other entities involved in the proceedings should not suffer damages caused by the lack of knowledge of the law. It

is the responsibility of the administration bodies to provide the necessary information and guidance to the party/parties. This principle has been included and specified, among others, in the regulations: on the obligation to indicate in the request the legal consequences of non-compliance with the summons; informing about the consequences of not removing the defects of the submitted application in the case of a request to remove these defects (which results in leaving the application without recognition); informing the parties about the legal consequences of the suspension of proceedings at the party's request; informing about the admissibility and the manner of bringing a legal remedy in relation to the administrative decision and the decision which may be appealed to the administrative court. The obligation to provide information is wider in relation to the parties to the proceedings, because not only is it the transmission of information about the provisions of procedural law, but also substantive law. [E. Zielińska]

Literature: *Postępowanie administracyjne* [Administrative proceedings], ed. T. Woś, Warszawa 2017.

PRINCIPLE OF RESPONSIVE MANAGEMENT – refers to → co-governance. In a broader sense, responsive public administration is an administration that responds to the diverse needs of the community for which it carries out its tasks. Responding to the diversity of the needs of the environment in a democratic state shapes the administration as an important actor in the → accountability of the state to citizens. Responsiveness is one of the principles in the "Seven Principles of Consultation" – a part of the "Canon of local social consultations" developed by the Ministry of Administration and Digitization, local-government associations and non-governmental organisations. Responsiveness is defined here as the principle according to which anyone who submits an opinion should have a substantive answer within a reasonable time. The development of this principle refers to the summary of consultations, which should: take place on the date specified at the beginning of consultations; take the form of a publicly available document with the statement of opinions and substantive reference to them; include an attachment with a document changed as a result of consultations and discussion of the next steps; justify the decisions taken and be prepared in a language understandable to those asking; reach people who have submitted opinions by publishing responses on the public portal on which the consultations were conducted; be a contribution to further public debate. (→ social consultations, local governance) [Ł. Małecki-Tepicht]

Literature: H. Gawroński, *Zarządzanie strategiczne w samorządach lokalnych* [Strategic management in local governments], Warszawa 2010 ■ Ministerstwo Administracji i Cyfryzacji, *Siedem Zasad Konsultacji* [Seven rules of consultations], Warszawa 2013, https://www.gov.pl/documents/31305/0/7_zasad_30-04.pdf/ee8a74ef-0f85-7fa5-fd00-abc105fd9067, September 2017 ■ M. Stępień, *Responsywna administracja publiczna* [Responsive public administration], Toruń 2008.

PRINCIPLE OF RULE OF LAW (legality) – the universal constitutional principle of democratic states proclaiming that governing is based on and within the limits of the law. It is a necessary element of the democratic legal order. It is also a general principle of the c.a.p.: public administration bodies operate on the basis of universally binding law, which means that the legal basis for an → administrative decision cannot be, for example, preambles of normative acts, resolutions of the council of ministers or orders of the president of the council of ministers. P.r.l. entails that the state bodies have the power to take such actions to which they have been authorized under the law, which is a closed catalogue. In the course of administrative proceedings, public administration bodies are not only to take care that they act within the limits of the law, but also that all participants of the proceedings at each of their stages act in accordance with the law. Public administration bodies must act on the basis of generally applicable regulations, the catalogue of which is closed and has been included in the Constitution of the Republic of Poland. [E. Zielińska]

Literature: *Postępowanie administracyjne* [Administrative proceedings], ed. T. Woś, Warszawa 2017.

PRINCIPLE OF SPEED AND SIMPLICITY OF PROCEEDINGS – a general principle of the c.a.p.: public administration bodies should act in a given case insightfully and quickly, using uncomplicated means that will lead to its settlement. If the case does not require collecting evidence, information or explanations, it should be dealt with without delay. This principle is closely related to the → principle of the rule of law and → the principle of inspiring participants of proceedings with trust to public authorities. In implementing it, the public administration body cannot infringe the → principle of objective truth. Summary mode may not result in a situation in which the facts of the administrative case are not properly identified. The implementation of this principle cannot lead to violation of the provisions of the c.a.p. The regulations specify precise deadlines for subsequent actions of the proceedings, for example a time limit on the summons and an announcement on the administrative hearing (at least seven days). The provisions on the so-called legal assistance and asking the participants of the proceedings to take legal action remain in agreement with the principle of simplicity (economy) of the proceedings. The implementation of this principle cannot lead to the omission of specific forms of conduct. No exceptions to the procedural standards contained in c.a.p. result from this rule. [E. Zielińska]

Literature: *Postępowanie administracyjne* [Administrative proceedings], ed. T. Woś, Warszawa 2017.

PRINCIPLE OF SUBSIDIARITY (Latin: *subsidiarius*, *subsidium* – reserve, assistance, support) – one of the organisational features of modern democratic states, its essence is best described by the statement: as much power as necessary, as much freedom as possible and as much state as necessary, as much

society as possible. The principle of subsidiarity is mentioned in the preamble to the Polish constitution. It is one of the fundamental constitutional principles of the EU, which is enshrined in the Treaty on the EU and in the Protocol No. 2 on the application of the principles of subsidiarity and proportionality (attached to the TEU and the Treaty on the Functioning of the EU). The concept of subsidiarity derives from philosophy. It can be found in the writings of thinkers such as: Aristotle, Thomas Aquinas, Althusius, Hegel, Tocqueville, Proudhon, Kettler. It was also present in the Catholic social teachings, in the encyclical *Quadragesimo anno* by Pope Pius XI it was written that a unit should perform independently whichever task it can. If, however, for any reasons it cannot handle the task, it should be provided with support and assistance from the state. In the legal science, subsidiarity means that the rights and freedoms of individuals are the source of all rights and obligations of the community. In political science, subsidiarity applies to the specifics of political power. Subsidiary authority should help members of society in achieving its goals, avoid using violence in management. According to the principle of subsidiarity decisions regarding the individual and his/her family should be made at the level closest to the citizen. Its essence is cooperation and complementarity of citizens and public institutions and functioning of the authority (on different levels) as assistance in relations to the activities of the units that established it, and implementation of only the tasks that cannot be effectively performed by the lower organisational structures (local and self-government authorities) or by the citizens themselves, acting individually or through institutions of the civil society. The principle's goal is to enhance and improve public good through engaging civil organisations in implementing public tasks. Its implementation allows to participate in the decision-making process on local, regional and national levels, and for the citizens to participate in co-managing and co-governing (→ social participation, local governance, participatory governance). In the European Union, subsidiarity refers to the division of tasks between EU bodies and national administrations of the member states (also regional and local authorities) and to the EU legislation of substantial as well as formal aspects. According to the rule that each decision should be made at the lowest decision level (closest to the citizen), only decisions and actions should be taken at the supranational level that ensure greater efficiency and effectiveness resulting from joint implementation than if they were left to the exclusive competence of governments (regions, municipalities) of the member states. In accordance with the requirements of subsidiarity, the Union acts only if and to the extent that the objectives of the intended action cannot be sufficiently achieved by the member states, both at central and regional and local levels, and if, because of the size or effects, the proposed action would be better achieved at the Union level. [A. Bejma, K. Tomaszewski]

Literature: Ch. Millon-Delsol, *Zasada pomocniczości* [The principle of subsidiarity], Kraków 1995 ■ *Zasada pomocniczości. Wymiar europejski, narodowy, regionalny i lokalny* [The principle of subsidiarity. European, nationa, regional and local dimention], ed. A. Pawłowska,

S. Grabowska, Rzeszów 2011 ■ Z. Zgud, *Zasada subsydiarności w prawie europejskim* [The principle of subsidiarity in the European law], Kraków 1999.

PRINCIPLE OF SUSTAINABILITY OF FINAL DECISIONS – a general principle of the c.a.p.: decisions that are not subject to an appeal in the administrative course of the instances are final decisions. The possibility of their repeal, their amendment, annulment or resumption of proceedings may take place, if it is provided for in the c.a.p. or in statutes. Violation of the p.s.f.d. as a gross violation of law is one of the premises for annulment. P.s. determines the presumption of legality and binding force of the final decision. A big problem in the functioning of p.s. is a lack of regulation on the basis of which the competent body would declare the finality of the decision. Hence the demands that the body issuing the decisions state at the same time that the decision is final. However, the regulations do not provide for such possibility. This is a big theoretical problem in legal science, and it is postulated that the principle of binding force of a legal act should be limited only to the principle of sustainability of administrative decisions. [E. Zielińska]

Literature: *Postępowanie administracyjne* [Administrative proceedings], ed. T. Woś, Warszawa 2017.

PRINCIPLE OF TAKING INTO ACCOUNT THE SOCIAL INTEREST AND THE LEGITIMATE INTEREST OF CITIZENS – a general principle of the c.a.p.: the public administration body is obliged to settle the matter taking into account the public interest and the legitimate interest of citizens (i.e. only the one that finds support in the legal norm established for its protection). This principle is mainly referenced when a discretionary decision is made. The concept of social interest and the legitimate interest of citizens is not defined by law – it is a general clause, the content of which is determined each time by a given body in the course of applying the administrative law. The social interest should always be taken into account on the basis of the actual state of the administrative case, because it is a variable time category and also presented in specific areas of administrative law. The social interest can be distinguished based on the area of occurrence, e.g., national or county, municipality (as the interest of the local community). Only the so-called qualified (legitimate) interest can be protected, i.e. one that is not contrary to the law or principles of social coexistence. [E. Zielińska]

Literature: *Postępowanie administracyjne* [Administrative proceedings], ed. T. Woś, Warszawa 2017.

PRINCIPLE OF TERM OF OFFICE (KADENCYJNOŚĆ) – the principle of performing public function or holding an office for a fixed maximum time – for the → term of office; providing a given body, composed of selected officials, with proxies for a specified period of time. The principle of term is recognised

in democratic systems as a necessary element of the representative nature of the parliament/governing bodies, but also the elected executive bodies. Its application means the periodicity of exercising the mandate – democratic elections legitimise the authorities, but at the same time limit it temporarily and thus make it reversible. (→ dissolution of the decision-making body) [M. Kaczorowska]

Literature: K. Grajewski, *Odpowiedzialność posłów i senatorów na tle zasady mandatu wolnego* [Responsibility of deputies and senators against the principle of a free mandate], Warszawa 2009 ■ A. Ławniczak, M. Masternak-Kubiak, *Zasada kadencyjności Sejmu: wybrane problemy* [The principle of the Sejm's term of office: selected problems], "Przegląd Sejmowy" 2002, no. 3.

PRINCIPLE OF TWO INSTANCES – a general principle of the c.a.p.: administrative proceedings must be carried out in two instances, unless the special rule provides otherwise. The material aspect (legal capacity to resolve the same case twice) is regarded higher than the procedural aspect, therefore the application for reconsideration is no exception to p.t.i. P.t.i. was included in the Constitution of the Republic of Poland – in each proceeding, including administrative proceeding, the party has the right to appeal against decisions issued in the first instance, and exceptions to this rule are set out in the relevant act. There are two concepts of p.t.i.: the classic concept, which is based on the devolution of the competence to re-recognize and shift the resolution of the case to a higher-level body; a concept based on the non-devolution of the double recognition and resolution of the case. In the classic approach, p.t.i. assumes that each case recognized and resolved by the decision of the first-instance body, as a result of an appeal by an entity authorized to do so, must be re-examined and resolved by the second-instance body. In this way, the administrative case is recognized and settled twice. The essence of the p.t.i. is reduced to the recognition and resolution of the administrative case twice, which is the same in the objective and subjective dimension. The framework for the recognition and settlement of the case in the second instance results from the decision of the first instance body. If the second-instance authority goes beyond these limits, then it will violate the p.t.i. [E. Zielińska]

Literature: *Postępowanie administracyjne* [Administrative proceedings], ed. T. Woś, Warszawa 2017.

PRINCIPLE OF WRITTEN PROCEEDINGS – the obligation imposed on public administration bodies which requires administrative matters to be dealt with in a form of a written or electronic document. The principle of administrative proceedings introduced in the interests of legal certainty and clarity was initially limited to the obligation to preserve or to act by drawing up a document in a paper form. Contemporary technological development enables the case to be settled with electronically (in particular using the → Electronic Platform for Public Administration Services). Procedures taken in administrative proceedings require preservation. Settlement of the case in writing refers not only to the

actions that finalise the proceedings, but also to the sequence of acts during the proceedings. In general, there are two principles of procedural law that refer to the form of procedural actions: the principle of oralness and the principle of writtenness. The first one results from the process economy because it speeds up communication, which facilitates the process. On the other hand, the p.w.p. fine-tunes the precision of preserving the steps of the process. When the interest of the parties in the administrative proceedings speaks for it, and the provision of the law does not preclude it, a deviation from the p.w.p. may be allowed and the case may be settled orally, but the substance and important motives for such settlement should be preserved in the minutes or annotation signed by the party. [M. Szczegielniak, E. Zielińska]

Literature: B. Adamiak, J. Borkowski, *Postępowanie administracyjne i sądowoadministracyjne* [Administrative and court-administrative proceedings], Warszawa 2016 ■ *Postępowanie administracyjne* [Administrative proceedings], ed. M. Wierzbowski, Warszawa 2008 ■ Z. Kmieciak, *Zarys teorii postępowania administracyjnego* [An outline of the theory of administrative proceedings], Warszawa 2014.

PROCESSED INFORMATION – this is information created as a result of aggregation and preparation of data held by the body in order to answer the request for → public information. P.i. arises when the body at the time of submitting the application was not able to give an appropriate answer and was forced to take additional steps to generate the necessary information. Processing is an activity that is not limited to the technical transfer of data or the change of their format. It requires the intellectual involvement of the person preparing the information, which usually involves the proper analysis and editing of data, involves the collection, organisation and preparation of information, organisational activities and the involvement of personal resources (they may disrupt the normal course of action of the entity and impede the performance of assigned tasks). Therefore p.i. will only be granted if the applicant has a particular public interest. Otherwise, a decision will be made to refuse to provide the information. [M. Szczegielniak]

Literature: P. Sitniewski, *Dostęp do informacji publicznej. Pytania i odpowiedzi* [Access to public information. Questions and answers], Warszawa 2014.

PROFESSIONAL ETHICS – defines the moral obligations and the imperatives and prohibitions, which should guide the staff and officials of public administration. According to Iji Lazari-Pawłowska, p.e. is a list of standards which give answers to questions regarding how, from the point of view of morality, the representatives of a given profession should or should not act. P.e. applies to all social groups. Universal ethical recommendations exist in each occupational group, they include among others: conscientiousness, integrity, due diligence, personal commitment, professionalism. The specificity of certain professions, however, requires specific imperatives and emphasis on the moral obligations imposed on

a group of given employees the regulation of relations in the framework of the group. P.e. is a supplement to general ethics, as it imposes new moral obligations on a given occupational group. P.e. translates the postulates of overall ethics into professional practice and answers questions about ethical conduct in the exercise of the profession concerned, based on specific solutions. P.e. principles are created in order to match professional standards with moral principles adopted in a given culture. The goal of p.e. in public administration is to give guidance regarding the attitude an employee should adopt in order to improve the quality of his work, to build his prestige, solve professional dilemmas, suggest in moral issues, solve problems and conflicts, to avoid situations which may result in sanctions imposed on perpetrators of inappropriate behavior. P.e. is ascribed to the occupation of the → official, it is essential, because the official works for the common good, and the client/citizen has little possibility to control the actions of officials. The following factors influence the content of p.e. of officials: general assumptions, traditions of public administration, external conditions influencing the functioning of public administration, including living conditions and the needs of society, as well as the unique constitutional position of administration, socio-political system and the Europeanization and globalization processes, the nature of the tasks carried out by officials, their social rank, the position they occupy in the social hierarchy, the rights and obligations of officials, the role and tasks of the public administration management. P.e.is associated with the organizational culture of the office. The basic principle of professional liability is *primum non nocere* – first, do no harm. In the case of public administration p.e. has the following tasks: promoting good fulfillment of occupational obligations, gaining confidence among the public and politicians, enhancing the sense of duty, regulating the relations between officials – with a particular emphasis on factors important in the performance of any other profession, such as: solidarity, mutual assistance, kindness, passing on information and professional knowledge, especially to younger employees. P.e. regarding the public administration staff includes a set of basic rules relating to the performance of their official duties: integrity, professionalism, political neutrality, impartiality, efficiency. The sphere of p.e. also encompasses methods of safeguarding employees against temptations and abuse of power in the form of → letaprivation, → mobbing, patronage, etc. Principles of p.e. should also guide the behavior of officials out of the office. [J. Itrich-Drabarek]

Literature: J. Itrich-Drabarek, *Etyka zawodowa funkcjonariusza służb państwowych*, Warszawa 2016 ■ I. Lazari-Pawłowska, *Etyki zawodowe jako role społeczne*, [in:] *Etyka zawodowa*, ed. A. Sarapata, Warszawa 1971; M. Środa, *Etyka zawodowa*, "Wiedza i Życie" 1995, nr 12.

PROFESSIONAL SELF-GOVERNMENT – is an organisational form of association of persons performing the same profession whose purpose is, among others, to represent their interests against the state authorities, their professional

development and watching over the ethical practice of the profession and social protection of these professionals, and carrying out a series of tasks typical for public-law associations, such as keeping a register of persons entitled to perform the profession. It is the public-law scope of activities of p.s.g. that decides on its essence and distinguishes it from organisations of typically associational character. An element that connects the p.s.g. and the local government is belonging to the corporate self-government group, whose unit is the union of persons with compulsory membership, usually equipped with legal personality and appointed to carry out through their bodies specific tasks of the public administration on the basis of self-sufficiency and independence from the government. The basic difference between the two types of self-government refers to the elements taken into account when isolating such units. Local government is based solely on the criterion of residence, not taking into account the personal aspirations of its members, while p.s.g. unites certain social groups because of their qualifications and their corresponding life interests. In other words, p.s.g. is a non-territorial, public-law, compulsory association, acting as personal unions. Until 2017, 16 legal regulations in a form of acts have been adopted in Poland, enabling the creation of self-governments of: advocates, legal councillors, doctors, veterinary doctors, notaries, nurses and midwives, pharmacists, statutory auditors, tax advisers, bailiffs, architects, construction engineers, patent attorneys, psychologists, court curators, laboratory diagnostics and physiotherapists. [R. Kmieciak]

Literature: P. Antkowiak, *Samorząd zawodowy w Polsce* [Professional self-government in Poland], Warszawa – Poznań 2012 ■ *Samorząd w Polsce – istota, formy, zadania* [Self-government in Poland – essence, forms, tasks], ed. S. Wykrętowicz, Poznań 2012 ■ *Z badań nad samorządem zawodowym w Polsce* [From research on the professional self-government in Poland], ed. R. Kmieciak, Poznań 2010.

PROFESSIONAL SOLIDARITY – means mutual support, particularly in difficult situations, the prohibition of giving unfounded unfavourable opinions about the work of colleagues, the use of discrediting or insulting terms. This understanding is connected with the concept of → loyalty. Well understood p.s. means not hiding the truth about the behaviour of public administration officials who are dishonest, unethical, and break the law. P.s. in public administration does not exclude the phenomenon of *whistleblowing* (signalling irregularities; → whistleblowing scheme). *Whistleblowers* (→ whistleblower) are employees who, in the case of corruption in the institutions they work at, inform the proper authorities or the public opinion about the offenses. [J. Itrich-Drabarek]

PROFESSIONALISM – means such an organisation of work that plans, organises and supervises the performance of the tasks of public administration officials by defining priorities and objectives while optimizing the use of available resources. Professionalism includes the principles of continuous improvement

of professional competences, including the obligation to develop knowledge and professional qualifications, planning for one's own professional development, the ability to analyse one's own training needs, track changes in the performance of tasks and supplement knowledge in the given scope, implement knowledge acquired during trainings, draw conclusions from the mistakes made, as well as evaluations and comments of experienced colleagues, engagement in new projects. Learning and training of public administration officials is essential to sustain the professionalism. In this context, the initial stage of the training process is vital in transforming jobseekers and those who have successfully passed the competition process – into professionals who are aware of → public service mission, that are willing to take on social responsibility and respect ethical values and who present active civil attitude. The elements of p. encompass good behaviour, personal culture, including word culture, especially important for public administration officials, i.e. those who have daily contact with the client/citizen. P. on the managerial positions is expressed in that the supervisor skilfully assigns the tasks and coordinates their optimal performance, defines requirements, precisely defines the objectives of the activity, defines priorities and responsibilities for their execution, adjusts plans and organisation of work to changing circumstances, effectively manages time (tasks are completed on time), evaluates the work in terms of desired results, knows and is able to assess the potential of his subordinates, uses new technologies to improve efficiency. P. of supervisors consist in creating appropriate work conditions for his/her subordinates, proper organisation of work, motivation of subordinates, coordination and proper assignment of tasks, care for professional development. In an officer's relationship with a citizen, p. means effective and efficient provision of services to the client/citizen, who is either direct recipient of the services, or a taxpayer interested in the provided public services and their effects. The principles of the law are mainly contributing to creating the bases of professional public administration, but equally important are political decisions and ethical canons. [J. Itrich-Drabarek]

Literature: J. Itrich-Drabarek, *The Civil Service in Poland – Theory and Experience*, Frankfurt am Main 2015 ■ J. Itrich-Drabarek, *Etyka zawodowa funkcjonariuszy służb państwowych* [Professional ethics of the state officials], Warszawa 2016.

PROTECTION OF BORDERS – one of the basic features of the state is the territory in which the population realizes its social and economic needs. The role of the state is to ensure that these needs are met. The attitude of the state to its territory is referred to as sovereignty or territorial authority. The **state border** (s.b.) is multidimensional. It delimits the land area and the air space, the waters and the interior of the earth. The mileage of s.b. on land and delimitation of internal sea waters and the territorial sea with neighbouring states is defined in international agreements concluded by the Republic of Poland. Due to membership in the European Union, we can distinguish internal borders (with the member

states) and external borders (with other states). In total the s.b. of the Republic of Poland is 3511 km long, including: 796 km with the Czech Republic, 541 km with Slovakia, 535 km with Ukraine, 467 km with Germany, 418 km with Belarus, 210 km with Russia, 104 km with Lithuania, sea border – 440 km (this is the length of the sections delimiting the territorial sea with Germany and Russia, and the line whose every point is 12 nautical miles [22,224 km] from the sea shoreline, and in the Gulf of Gdańsk – from the basic line of territorial sea; the length of coastline is 770 km together with Zalew Szczeciński and the Vistula Lagoon). The responsibility to **protect the state border** lies within the competences of the minister for internal affairs with respect to land and sea as well as border traffic control, and the minister competent for national defence matters is responsible for protection of the airspace. The main role in the implementation of the function of border protection is fulfilled by the Border Guard of the Republic of Poland (BG) established in 1991, which was entrusted with the following tasks: 1. protection of s.b.; 2. organising and conducting border traffic control; 3. issuing permits for crossing of s.b., including visas; 4. recognition, prevention and detection of crimes and offenses and prosecution of perpetrators, within the scope of BG's competences, in particular: a. crimes and offenses concerning compliance of crossing of s.b. with regulations related to its marking and regarding the credibility of documents authorizing the crossing of s.b.; b. certain fiscal crimes and tax offenses; c. crimes and offenses related to the crossing of s.b. or moving through it goods and excise goods subject to excise duty labelling, as well as items specified in the provisions on weapons and ammunition, explosives, the protection of cultural goods, national archival resources, counteracting drug addiction, and population records and identity cards; d. crimes and offenses specified in the Act on foreigners and the Act on granting protection to foreigners on the territory of the Republic of Poland; e. crimes against general security and crimes against communication security that are related to air transportation; 5. ensuring security in international communication and public order within the territorial range of the border crossing, and within the scope of BG's competences – also in the border zone; 6. embedding and maintaining border signs on land; 7. protection of the inviolability of signs and devices serving to protect the s.b.; 8. collecting and processing of information regarding the protection of s.b. and border traffic control and making them available to the competent state authorities; 9. protection of s.b. in the airspace of the Republic of Poland by observing aircraft and flying objects passing through the s.b. at low altitudes, and informing the appropriate units of the Air Force of the Polish Armed Forces of these flights. In order to recognize, prevent and detect crimes and offenses, the Border Guard officers conducting border services perform border operations, carry out operational and reconnaissance activities as well as administrative and procedural activities.

Other public administration entities also participate in the protection of the s.b.: voivodes, field units of the Police, Operational Commander of the Types of Armed Forces with the help of the air defence command body and the

Customs and Tax Service. On the other hand, as regards the protection of the European Union's external borders, which is 1163 km long on land and is one of the longest sections of this character guarded by the EU member state, the Border Guard cooperates with the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union. [A. Misiuk]

Literature: A. Maksimczuk, L. Sidorowicz, *Ochrona granic i obsługa ruchu granicznego* [Border protection and border traffic service], Warszawa 2007.

PROTECTION OF CLASSIFIED INFORMATION – rules for protection of information, unauthorized disclosure of which would cause or could cause damage to the Republic of Poland or would be disadvantageous to its interests, also during their preparation and regardless of the form and manner of their expression. The system of p.c.i. is defined by the rules for: classifying c.i.; organising c.i.; processing of c.i.; verification proceedings conducted in order to determine whether the person covered by it gives a guarantee of secrecy; proceedings conducted in order to determine whether the entrepreneur covered by it ensures the conditions for p.c.i.; organisation of the control of the state of security of c.i.; p.c.i. in ICT systems; applying physical security measures to c.i. [P. Potejko]

Literature: M. Anzel, *Poradnik specjalisty ochrony informacji niejawnych* [A guide of a specialist in protection of classified information], Poznań 2015 ■ P. Potejko, *Klauzule ochrony informacji w wybranych państwach* [Information protection clauses in selected countries], [in:] *Jawność i jej ograniczenia* [Transparency and its limitations], vol. VI, *Struktura tajemnic* [The structure of secrets], ed. A. Gryszczyńska, Warszawa 2016 ■ I. Stankowska, *Ustawa o ochronie informacji niejawnych. Komentarz* [The Act on the Protection of Classified Information. A commentary], Warszawa 2014.

PROTRACTEDNESS OF ADMINISTRATIVE PROCEEDINGS – a state where the administrative body carries out → administrative proceedings longer than is necessary to settle the case, the procedural steps taken by the body are apparent or separated by long periods of inaction. This is, therefore, an ineffective procedure. The p.o.a.p. can also be observed in a situation when the deadline has not yet passed, or the law does not specify a time limit for its completion, but the body acts sluggishly and in an unjustified way extends the time limit for settlement of the case. Finally, p.o.a.p. can lead to a charge of → inactivity when the decision (act, order) is not issued within the prescribed time limit. P. of the body's activities can lead to breach of the principle of speed and simplicity of administrative proceedings. P.o.a.p. refers both to administrative proceedings conducted by administrative body and to proceedings before administrative courts. There is a possibility of challenging the proceedings conducted in a protracted way – the means the party is entitled to are the → reminder and the complaint to the administrative court. The party is entitled to submit

a reminder at any stage of the case. The complaint to the court on the p.o.a.p. may be submitted by the party after exhausting all the instances of the proceedings. [E. Sękowska-Grodzicka]

Literature: B. Adamiak, J. Borkowski, *Postępowanie administracyjne i sądowoadministracyjne* [Administrative and court-administrative proceedings], Warszawa 2010 ■ Z. Kmieciak, *Przewlekłość postępowania administracyjnego* [Protractedness of administrative proceedings], "Państwo i Prawo" 2011, no 6.

PROVISIONAL CHIEF ECONOMIC COUNCIL – (TNRG) – a national representation of economic life proposed by the state factor in the interwar period. In 1925, the government of Władysław Grabski brought a bill on the council to the parliament. It was to be established until the establishment of the permanent → Supreme Chamber of Commerce provided for in the 1921 Constitution (Article 68), which could be created after the organization of regional agricultural, industrial, commercial, craft and wage labor chambers throughout the country – and which was not established. TNRG was modelled on the solutions of the National Economic Council in France. They did not gain recognition in Poland and the TNRG Act was not adopted. [A. Szustek]

Literature: A. Szustek, *Self-government – economic self-government – other types of self-government. Conceptual grid, theoretical approach and methodological issues*, Warsaw 2017 ■ A. Szustek, *Supreme Chamber of Commerce*, Warsaw 2017.

PUBLIC ADMINISTRATION – a basic term used in administrative law and administration science found in the Polish Constitution (article 184, pursuant to which the administrative courts exercise control of public administration activities) and in legislation (starting from 1999, from article 1 of the code of administrative procedure). Various definitions are adopted, which can be reduced to three approaches: negative, objective (functional) and subjective. In the **negative approach**, based on the separation of powers, p.a. is in a broader sense a part of the State's activities (now generally known as public authorities, as the State in this sense also includes local government, in particular → local government), which is neither the creator of legislation nor the judiciary, and which, therefore, acting on the basis of the provisions of law and under the supervision of a judicial authority in accordance with the principle of legalism, is responsible in the public authorities system for the practical status and overall public affairs (matters which are undertaken and managed with respect to public interest). This leads to the **functional approach** where p.a. means direct, practical execution of State tasks in a broader sense (public tasks). In this approach p.a. can go beyond the execution of laws, and refers to the management of public resources, for carrying out tasks from the scope of p.a. In the functional approach p.a. performs four types of activities – and administration: rationing-ordinal, which makes use of measures typical of the public *imperium*; providing for the delivery of public services in the sphere of education, health, culture, but also public transport or

collective water supply and discharge of waste water; ownership, or public property management (*dominium*); development management, primarily through public planning. P.a. tasks can, where legislation provides for this, be carried out by entities not belonging to the p.a. structure, such as → non-governmental organizations or entrepreneurs (p.a. assigned tasks). In the **subjective approach** p.a. means p.a. apparatus – a team of people that are part of institutions distinct in the organizational structure of the State in a broader sense, created in order to perform tasks from the scope of p.a. These institutions are p.a. entities, among which a special place is occupied by → p.a. apparatus, i.e. bodies with statutory competence in the area of public *imperium*. Various aspects of p.a. expressed in various approaches, can be connected in the consolidated **subjective-objective** definition: p.a. is a group of activities, actions and organizational and implementary projects carried out for the benefit of public interest by various entities, bodies and institutions on the basis of the law and in forms defined by law. In this sense p.a. can be divided into State and local government; in state administration a central role is played by → Government, and in local government administration → local government. (→ Administration) [H. Izdebski]

Literature: A. Błaś, J. Therefore, J. Jeżewski, *Science administration*, Wrocław, 2013 ■ H. Izdebski, M. Kulesza, *Public administration. General considerations*, Warszawa 2004 ■ K. Zhukovsky, *Public administration*, [in:] *Administrative law Lexicon. 100 basic concepts*, ed. T. Bąkowski, K. Zhukovsky, Warsaw 2016.

PUBLIC ADMINISTRATION BODY – a type of entity distinguished in the system of the executive and public administration in order to carry out specific public tasks defined by law, mainly in the authoritative forms. In the systemic terms, p.a.b. must have the following characteristics: 1. they are organisationally separated, 2. their competences are separated, 3. they act on behalf of and for the account of the public-law entity (e.g., state, local government), in whose structure they are separated. 4. they are entitled to use the means of authority. Organisational separation means that the body has a form defined by law that makes it a certain organisational unity and distinguishes it from other bodies or entities of the administration. The p.a.b. is defined in this way by its name, the way it manages personnel and the auxiliary apparatus (public administration office). The separation of competence means legally defined scope of activities, tasks to be performed, powers and duties. The scope of competence distinguishes the p.a.b. from other bodies and entities, determines the authorisation and commitment of the body to operate and perform certain public tasks and the extent of its responsibilities. Utilization of means of authority is manifested in the power to legislate acts of a binding force, guaranteed by the possibility of applying state coercive measures to bring them to execution. Different classifications of p.a.b. are adopted. The basic division, related to the structure of the public administration apparatus in Poland, is the distinction between state administration bodies, including governmental and local government administration

bodies. Additionally, one distinguishes the supreme administrative bodies, the central and territorial (local) bodies, the deciding and auxiliary bodies, the one-person bodies (monocratic, e.g., the minister, the village mayor) and the collegial bodies (e.g., the council of ministers, the municipal council). Functional understanding of p.a.b. is adopted in administrative proceedings. [A. Mirska]

Literature: E. Ochendowski, *Prawo administracyjne, część ogólna* [Administrative law; general part], Toruń 2013.

PUBLIC BENEFIT ORGANISATION – entity granted by law with some privileges and obligations, after fulfilling some conditions. Entities that are considered as such include: → non-governmental organisation (NGO), church legal entity, religious entity, joint-stock company or limited liability company, not-for-profit sport clubs that allocate all of their profit to perform their statutory objectives and they do not divide their profit between their members, shareholders, stockholders or employees. Political parties, trade unions, organisations of employers, professional self-governing authorities, foundations formed by political parties and social cooperatives cannot apply for the public benefit organisation's status. In order to be considered of public benefit (p.b.), an organisation has to (apart from being one of the listed groups of entities) fulfil the following conditions: operate for the public benefit – perform socially useful activities within the scope of public tasks – for the general public or for a specific group for minimum two years; perform operations as additional operations in relation to the p.b.; appropriate the surplus of income over costs to statutory activities; have a separate, collegiate control or supervisory body; in its statute, include prohibition of lending loans, granting and using assets for the advantage of members and purchasing of goods at prices higher than market prices. An NGO becomes p.b.o. when it receives an entry in the National Court Register (Polish KRS) confirming the fulfilment of the requirements. The p.b.o. is also required to introduce an additional internal control regarding transparency of activities and finances. The p.b.o.'s status allows receiving 1% of personal tax, using free air time in public media to inform about the activities, use of real estate belonging to the State Treasury or local government with preferential conditions. P.b.o. are also exempted from some taxes and fees: VAT, income tax, real estate tax, legal proceedings tax and stamp duty and court fees. The tax exemptions relate only to the performed public benefit activities. P.b.o. is obliged to: prepare and publish substantive and financial reports that include, among others, information on resources from 1% of personal tax and how they were spent. These resources should be entirely appropriated to public benefit activities. Unauthorized use of the p.b.o.'s status is subject to a fine. In Poland in 2017, 8542 NGOs had the status of p.b.o. [A. Bejma]

Literature: M. Halszka-Kurletko, *Organizacje pożytku publicznego. Rozwiązania prawne – funkcjonowanie – rozwój* [Public benefit organisations. Legal solutions – functioning – development], Kraków 2008.

PUBLIC DEBT – in the broadest sense, it is the sum of liabilities (debts) of public entities, i.e. public finance sector units (or public sector entities) to domestic (domestic p.d.), foreign creditors (foreign p.d.), after eliminating the mutual obligations of these entities. The main reason for the emergence of the p.d. is the accumulation of budget deficits in subsequent years, for financing of which securities are issued (e.g., bonds, vouchers, bills of exchange) or loans and credits are taken. In accordance with the Public Finance Act p.d. (state p.d.) covers public finance sector liabilities under the following titles: 1. issued securities for cash receivables; 2. loans and credits taken; 3. accepted deposits; 4. due liabilities: a. resulting from separate acts and final court decisions or final administrative decisions, b. considered indisputable by the competent public finance sector unit being a debtor. The state p.d. is calculated as the nominal value of liabilities of public finance sector units after elimination of mutual obligations among units of this sector. The main elements of p.d. are: State Treasury's debt, special-purpose funds' debt, and local government's debt. The state p.d. does not cover all liabilities of public finance sector units, but only due liabilities. In the case of p.d. determined in accordance with the EU methodology, due and non-due liabilities of the public sector units are not taken into account. According to the Constitution p.d. in Poland cannot exceed 3/5 of GDP. [T. Strąk]

Literature: K. Nizioł, *Państwowy dług publiczny. Aspekty normatywne* [The State public debt. Normative aspects], Szczecin 2013 ■ S. Owsiak, *Finanse publiczne. Współczesne ujęcie* [Public finances. Contemporary perspective], Warszawa 2017 ■ T. Uryszek, *Dług skarbu państwa jako źródło finansowania deficytu budżetowego* [The debt of the State Treasury as a source of financing the budget deficit], Warszawa 2010.

PUBLIC DECISION-MAKING – it takes place in a specific public space and means the decision-making activity of entities in the scope of programming, organising and directing public administration activities in matters of key importance. Deciding is a valuing act, i.e. the decision maker collects, selects and evaluates information helpful in making a decision, it is a process that is determined by the subject of the decision, the decision-making procedure and the issues of solving, implementing and verifying decisions. The decision-maker, when verifying possible solutions, should anticipate the effects of each alternative option and define the selection criteria, then make a final decision, which results in completing the decision-making process and taking specific action stemming from this decision. D-m.p. may refer to decisions that affect the shape of public relations with transnational and supranational entities. It focuses on issues related to the functioning of power, law and politics, the distribution of tangible and intangible goods and services, as well as the management of public resources. [E. Szulc-Wałecka]

Literature: *Decydowanie publiczne* [Public decision-making], ed. G. Rydlewski, Warszawa 2011 ■ *Proces decyzyjny w administracji publicznej* [The decision-making process in public administration], ed. L. Habuda, Wrocław 2000.

PUBLIC FUNDRAISING – legally regulated way of gathering resources in cash or gifts in nature for religious or social purposes, resulting from the sphere of public tasks, conducted in generally accessible public spaces. P.f. can be organised by non-governmental organisations, foundations, associations, trade unions, organisations of employers, social cooperatives, church and religious organisations and social committees created for this reason. Fundraisings organised in churches, in closed circle (in school, at work) and money and prize lotteries are not considered public fundraisings. The organiser of p.f. reports the willingness to carry out a fundraiser to the minister relevant for public administration (it can be done electronically through public fundraising portal zbiorki.gov.pl). The application should include the obligatory information about the p.f.: objective, organiser's data, name of the entity, address and National Court Registry number (KRS), Personal Tax Number (NIP) or National Business Registry Number (REGON), names of social committee members together with their addresses and Personal Identity Numbers (PESEL); the way, place and dates of beginning and end of the fundraising and information about assumed costs that will be financed from gathered funds. Depending on the length, there are two types of p.f.: short-term – up to 12 months from the application date, and long-term – lasting longer than 12 months. The organiser is obliged to prepare and deliver to the minister relevant for public administration a report and method of allocation of all gathered funds. The minister can deny publishing the information about the application for the p.f. on the portal if the objective of the p.f. is illegal or it goes beyond the sphere of public tasks, or is not a religious objective, and also when by the date of application the report form previous fundraising by the same organiser was not received. Information about the application for the p.f. together with reports is available on the said portal for 10 years since the date of the last report. Organising a p.f. without application is subject to a fine. [A. Bejma]

Literature: S. Liżewski, *Źródła finansowania NGO* [Sources of financing NGOs], Warszawa 2017.

PUBLIC GOODS – in normative (economic) terms, these are non-rational and non-rival goods, that is, goods that consumed by one person can be consumed simultaneously by others. P.g. are characterized by zero marginal cost of consumption by an additional person and a very high cost of excluding any individual from consumption. Due to the mentioned features, the use of them must be free, which gives them the character of non-market goods. Goods that meet the definition are referred to as **pure public goods**. Due to their features, these goods would not be effectively delivered by the private sector. There must therefore be a public sector that ensures their supply. An example of the p.p.g. is the light of a street lamp. One cannot divide it among passers-by or forbid anyone to use the light. P.g. can also be defined in positive terms, according to which the goods provided by public collective organisations (state, local government,

international organisations) are considered public goods. The range of p.g. in positive terms is not determined only by economic factors but also by socio-historical factors. There are goods that are considered socially desirable or socially undesirable, depending on the development of civilization and the prevailing social doctrine. The catalogue of p.g. has no objective character and is dependent on time, place, civilization and social development, and in many cases extends to issues of current political and philosophical-ethical doctrine in a given place and time. [T. Strąk]

Literature: *Sektor publiczny w Polsce i na Świecie. Między upadkiem a rozkwitem* [The public sector in Poland and in the world. Between falling and blooming], ed. J. Kleer, Warszawa 2005 ■ J.E. Stiglitz, *Ekonomia sektora publicznego* [The public sector economy], Warszawa 2004 ■ T. Strąk, *Modele dokonań jednostek sektora finansów publicznych* [Models of achievements of public finance sector entities], Warszawa 2012.

PUBLIC GOVERNANCE – the paradigm of deciding on public matters, the essence of which is the cooperation of market economy entities (*corporate governance*) and civic governance entities (*civic governance*), as well as public institutions (*public governance*). P.g. finds application on all levels – from local, through metropolitan, regional to national and global. A characteristic feature is the emphasis on the process of permanent participation in management by entities from the non-public sector as co-decision-makers, but also as contractors of activities. As a result, the task of public authority is to manage networks created by social and private organisations and to create appropriate conditions to facilitate the interaction process. The idea of p.g. is also distinguished by departure from the traditional decision-making mechanisms and the rejection of unilateral, top-down and imperative resolution of problems in favour of consensus, negotiations and consultations. P.g. therefore, consist of: the diversity of institutions, horizontal networks of coordination of collective actions, institutionalised partnership and civic participation. (→ social participation, participatory democracy; good governance) [E. Szulc-Wałecka]

Literature: R.A. Rhodes, *Understanding Governance: Policy Networks, Governance, Reflexivity and Accountability*, Buckingham 1997 ■ *The SAGE handbook of governance*, ed. M. Bevir, Berkeley 2011 ■ *Współzarządzanie publiczne* [Public co-management], ed. S. Mazur, Warszawa 2015.

PUBLIC INFORMATION – any information about public affairs produced by public institutions and by other entities that perform → public tasks financed or co-financed by public institutions. **ACCESS TO PUBLIC INFORMATION** – the constitutional right of a citizen to obtain information about the activities of public authorities and persons performing public functions. Everyone is entitled to the right to access to p.i., and the executor of this right should not be required to demonstrate a legal or factual interest. The right to p.i. includes the right to obtain p.i. containing current knowledge of public affairs. P.i. is a category of data

collected and produced legally, strictly related to the performance of public tasks by entities belonging to or not belonging to the public administration apparatus. This also includes all data relating to specific situations that may affect the rights and obligations of citizens or the rights and obligations of citizens regardless of whether such information is at the disposal of public-administration entities or not – it is important that they are connected with the implementation of public tasks. Characteristics of p.i. include: accessibility and universality, professionalism and reliability, intelligibility and clarity (content easy to understand), objectivity (no emotional colouring and judgments); the information should be true; the form, content, and channel for making the p.i. accessible should be controlled in the right way. On the institution's side, the right to access to p.i. is accompanied by the obligation – public authorities and other entities performing public tasks that are obliged to release the p.i. include union organisations and employers' organisations and political parties, economic and professional self-government bodies, as well as other persons and organisational units, in so far as they perform public authority tasks and manage municipal property or State Treasury assets. In Poland, there are several statutory ways of making the p.i. available: in the Public Information Bulletin, the Central Public Information Repository, on the notice boards of the institutions/offices, and through the entry to the meetings of collegial local-government bodies (with the possibility of recording audio and/or video), and on request of the citizen. P.i. is free of charge, sometimes access to it (on request) generates costs that are charged to the applicant. Restriction of access to p.i. may only be made for the protection of the freedoms and rights of other persons and economic entities and the protection of public order, security or the legitimate economic interest of the state – as defined in the laws. Examples of such restrictions include: → protection of classified information concerning the security of the state, information important for the economic interests of the state and other entities, privacy of an individual or entrepreneur's secret, protection of personal data or various types of secrecy (fiscal, statistical, banking, etc.). (→ processed information) [I. Malinowska, J. Wasil]

Literature: A. Pawłowska, *Informacja – informatyzacja – e-rząd – samorząd lokalny w społeczeństwie informacyjnym* [Information – informatisation – e-government – local government in the information society], [in:] *Samorząd lokalny w Polsce: społeczno-polityczne aspekty funkcjonowania* [Local government in Poland: socio-political aspects of functioning], ed. S. Michałowski, A. Pawłowska, Lublin 2004 ■ *Prawo do informacji publicznej. Efektywność regulacji i perspektywy jej rozwoju* [The right to public information. Regulatory effectiveness and prospects for its development], ed. M. Maciejewski, Warszawa 2014 ■ P. Winczorek, *Komentarz do Konstytucji Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r.* [Commentary to the Constitution of the Republic of Poland of 2nd April 1997], Warszawa 2008.

PUBLIC INTEREST – refers to values that are common and important for the whole of society, such as justice, freedom, security, peace, independence and sovereignty of the state, public health, maintaining the financial balance of the

social security system, protection of consumers, recipients and employees, fairness in commercial transactions, combating fraud, protection of the natural and urban environment, animal health, intellectual property, social and cultural policy goals and protection of national historical and artistic heritage, citizens' trust in authorities, human and citizen rights. The term publ. int. is often identified with the concept of "common good". It always refers to a general, indefinite number of people, and does not refer to an individual interest or a specific group. Pub. int. is exemplified by the values indicated by the basic law of a democratic state, such as: respect for freedom and justice, cooperation of authorities, social dialogue, preservation of the inherent dignity of man, his right to freedom and the obligation of solidarity with others, respect for life, physical integrity, private property, as well as family privacy, freedom of action in public space, freedom to enter into contracts and to form associations provided that their voluntariness is fully respected, and religious freedom.

Publ. int. involves the well-being of the entire society recognized and protected by the government and its institutions, taking into account the objective needs of the general public or local communities. Often political will – the manifestation of government – determines what is in the public interest. Understanding publ. int. is reflected in applicable law. Publ. int. is well protected if society bestows upon public officials a high degree of trust and knows that personal interests of a public servant are not in conflict with his public responsibilities. Transparency of the decision-making process, including balancing conflicting interests, is of key importance in publ. int.

From the 1920s, publ. int. is considered the foundation of democratic governance and is expressed in the fact that those working in the public sphere perform their duties in the interest of the state and society, and not in the private interest. The term "public interest law", commonly adopted in the United States during the New Left's social protests in the 1960s, meant that lawyers, instead of representing corporate interests, decided to be spokespersons for under-represented and vulnerable social groups.

There are four types of publ. int. concepts. The first type, the axiological concept, involves binding publ. int. with values and means that the term publ. int. sets the scope and content of values recognized by a given community as deserving of protection, regardless of individual beliefs of individuals. It sets the limit of admissible interference of public authority in social and economic relations as well as in the freedom of citizens, understood as the limit of freedom of individual activity. In the second type, the praxeological concept, the basis for determining public interest is the category of purpose, while the third concept binds publ. int. with needs – the basis of this concept is formed by socially determined needs. And finally, there are mixed concepts of publ. int. (hybrid) – e.g. Marian Wyrzykowski drew attention to the relationship between the system of values and the content determined by these publ. int. values; he also examined publ. int. from the point of view of goals, mainly state goals. Mixed concepts also

include the concept formed by Eugeniusz Modliński, who preached the supremacy of publ. int. in relation to the interests and needs of the individual.

The issue of the relationship between individual interest and public interest is included in theory at least threefold. First of all, publ. int. is put above the interests of the individual – the so-called theory of supremacy of publ. int. (it is possible to eliminate minority interests in the process of defining the common good). In turn, the theory of common interest refers to the interests of individuals and assumes the aggregation of all individual interests while taking into account the interests of minorities. The third concept, the theory of unity, assumes that publ. int. is based on the rivalry of claims, but based on certain common values that are recognized in societies and form the basis of public authority decisions. Nowadays, it is believed that publ. int. cannot be arbitrarily attributed to superiority gains, because both individual and public interest must be balanced in every situation. [J. Itrich-Drabarek]

Literature: E. Komierzyńska, M. Zdyb, *Klauzula interesu publicznego w działaniach administracji publicznej* [The Public Interest Clause With Respect To Public Administration Activities], "Annales Universitatis Mariae Curie-Skłodowska" sectio G, Ius, 2016, no. 2(63), [online] [available: October 2019] ■ J. Rawls, *Teoria sprawiedliwości* [Theory of Justice], transl. M. Panufnik, J. Pasek, A. Romaniuk, Warszawa 1994 ■ A. Żurawik, *"Interes publiczny", "interes społeczny" i "interes społecznie uzasadniony". Próba dookreślenia pojęć* ["Public interest", "social benefit" and "socially justified interest"], Ruch Prawniczy, Ekonomiczny i Socjologiczny" 2013, no 2.

PUBLIC MANAGEMENT – sub-discipline of management sciences. The subject of its interest are actors, structures, processes, mechanisms and resources related to the creation and implementation of → public policies and solving collective problems. On the basis of p.m. four basic theoretical and methodological orientations are visible: 1. political (use of power and control over resources to achieve public goals); 2. legal (norms and rules for coordinating collective actions); 3. economic (efficiency and effectiveness of public activities); 4. managerial (tools and techniques for managing public affairs). P.m. as a scientific sub-discipline is characterized by theoretical and methodological pluralism that constitute its research attractiveness, which is also a source of problems with ensuring its conceptual identity and the clarity of its boundaries. One should look for the conceptual rooting of p.m. in the theoretical traditions related to scientific management, the doctrine of the rule of law, the model of classic administration, New Public Management, public co-management and neoweberism (→ model of bureaucracy, New Public Management). [S. Mazur]

Literature: S. Cyfert, W. Dyduch, D. Latusek-Jurczak, J. Niemczyk, A. Sopińska, *Subdyscypliny w naukach o zarządzaniu – logika wyodrębnienia, identyfikacja modelu koncepcyjnego oraz zawartość tematyczna* [Subdisciplines in management sciences – logic of separation, identification of the conceptual model and thematic content], "Organizacja i Kierowanie" 2014, no. 1 ■ B. Kożuch, *Zarządzanie publiczne. W teorii i praktyce polskich*

organizacji [Public management. In the theory and practice of Polish organisations], Warszawa 2004.

PUBLIC OFFICIAL – a legal term as defined in the penal code. This provision states that p.o. is the President of the Republic of Poland; MP/deputy, senator, councillor; member of the European Parliament; judge, juror, prosecutor, financial officer of the preparatory body or superior body to the financial preparatory body, notary, bailiff, court curator, receiver/trustee, court supervisor and administrator, adjudicator in disciplinary bodies acting under the law; a person who is an employee of the government administration, other state body or local government, unless he/she is exclusively engaged in service activities, and also other person to the extent that he/she is entitled to issue administrative decisions; a person who is an employee of the state inspection body or of a local-government inspection body, unless he/she performs only service activities; a person holding a managerial position in another state institution; an officer of a body established for the protection of public safety or an officer of the Prison Service; a person in active military service, except for territorial military dispositional service; a member of an international criminal tribunal, unless it is only a service. According to the above list set forth in the code, p.o. can perform tasks in various segments of public administration. However, the scope of performed tasks is important – p.o. certainly will not be service workers employed in the public administration structures. As emphasized in the literature, service activities should be understood as having no direct connection with the substantive competence of the body, but may serve to accomplish those tasks. Such activities are carried out by secretariat staff, messengers, drivers, cleaners or operators. It is clear from the provisions of the penal code that the list of public officials is limited to employees, which should be understood as their being in the employment relationship as referred to in the labour law. From this point of view, p.o. are not: persons who provide services to entities form government or local government sphere, based on civil law contracts, such as casual work contracts, contracts to perform a specified task, or agency contracts. [K. Mroczka]

Literature: P. Bachmat, *Pojęcie osoby pełniącej funkcję publiczną – analiza dogmatyczna i praktyka stosowania (na przykładzie przestępstw z art. 228 i 229 k.k.)* [The concept of a person holding a public function – dogmatic analysis and practice of application (on the example of offenses under Articles 228 and 229 of the Criminal Code)], Warszawa 2013 ■ P. Daniluk, *Funkcjonariusz publiczny* [Public official], [in:] *Leksykon prawa karnego – część ogólna. 100 podstawowych pojęć* [Lexicon of criminal law – general part. 100 basic concepts], ed. P. Daniluk, Warszawa 2011 ■ R. Krajewski, *Funkcjonariusz publiczny i osoba pełniąca funkcję publiczną jako kategorie prawa karnego istotne z perspektywy funkcjonowania administracji publicznej* [A public official and a person performing a public function as categories of criminal law relevant to the functioning of public administration], "Studia z Zakresu Prawa, Administracji i Zarządzania UKW" 2012, vol. 1.

PUBLIC OFFICIAL'S FRAUDS – group of crimes distinguished from others because perpetrators of such crimes can be only persons who perform public functions. In Polish criminal law p.o.f. are qualified as crimes against public institutions and local governments' activities, committed by persons from inside state or social institutions. This category contains the passive bribery, known as public official's venality, what means taking personal or financial advantage or their promise with regard to performing public functions as well as the abuse of authority including crimes which are not qualified as passive bribery and consist in exceeding authorizations or failure in duties by → public official which harms public or private interest. To this category of crimes belongs the abuse of authorizations which could be committed through activity or abandonment, among its types are → favouritism, nepotism and cronyism or breach of administrative procedures. (→ corruption) [M. Waszak]

Literature: L. Gardocki, *Prawo karne* [Criminal law], Warszawa 2004 ■ E. Koniuszewska, *Środki prawne ograniczające nadużycia władzy w jednostkach samorządu terytorialnego w ustrojowym prawie administracyjnym* [Legal measures limiting abuse of power in local government units in the systemic administrative law], Warszawa 2009 ■ C. Nowak, *Korupcja w polskim prawie karnym na tle uregulowań międzynarodowych* [Corruption in Polish criminal law against the background of international regulations], Warszawa 2008.

PUBLIC ORDER – means existing in fact a system of social relations regulated by a set of legal norms and other socially accepted norms, guaranteeing the uninterrupted and conflict-free functioning of individuals in society. P.o. includes all these social relations, regulated by law and norms of other systems, which are shaped primarily in public places. This may also apply to relationships arising in non-public places, but only when the violation of them causes disruption of normal activities of state, social and private institutions or if it offends social morality when such an offense of morality is qualified by law as a crime or offense. Therefore, an important element of the p.o. is the behaviour of people in accordance with the norms that ensure this order. This contributes, to a large extent, to the strengthening and widespread acceptance of social relations belonging to the p.o. and to the creation of desired factual states, consisting in the lack of contradictions, chaos, conflicts. P.o. is guaranteed not only by legal norms, it is only one of the many normative systems that exist in every community. Other norms commonly accepted in a given society are also important, such as moral, customary, religious and social norms, as well as the principles of social coexistence – their common feature is that, similarly to legal norms, they allow to maintain harmony in a collective life. To particularly important rules of conduct, regulated by non-legal norms, the state finally gives the rank of legal norms. However, the constant dynamics of changes in terms of morality and customs means that always a certain part of these norms remains outside the sphere of the legal order. The purpose of existence of the p.o. is to ensure public order and peace, to provide a normal – harmonized and rhythmic – cohabitation of people

in a society, and thus indirectly to ensure people's safety and → public safety. Therefore, the specific objectives will be to protect life, health, personal goods, property, ensure normal conditions for activities of the state bodies, social and private organisations, and to create appropriate conditions for cohabitation among people at various levels, including in particular, ensuring appropriate conditions for work and leisure. [A. Misiuk]

Literature: A. Misiuk, *Administracja porządku i bezpieczeństwa publicznego. Zagadnienia prawno-ustrojowe* [Administration of public order and safety. Legal and political issues], Warszawa 2008 ■ S. Pieprzny, *Ochrona bezpieczeństwa i porządku publicznego w prawie administracyjnym* [Protection of security and public order in administrative law], Rzeszów 2007.

PUBLIC POLICIES – these are activities carried out by public authorities, above all the government and local government. P.p. are carried out in more or less separated areas of social life through the use of specific technologies that give these policies a technical character and seemingly depoliticise them. The elements of applied technologies are in this case: available means, various techniques, types of justifications of actions taken, knowledge of decision-makers or their skills. The formulation of p.p. in the classical sense includes: 1. analysis of processes taking place in the environment of the political system, which is aimed at recognizing some of the "problems" as a matter of p.p. and then as issues of broadening the political system's agenda; 2. analysis of interests that determine the policy formation process; 3. material consequences and distribution and recognizable benefits that result from the p.p. and their implementation. Claus Offe points out that besides the above-mentioned factors, formal procedures or an institutionalized method of dealing with problem situations in the environment of the political system are equally important determinants in the implementation of public policies. [Ł. Małecki-Tepicht]

Literature: J. Hausner, *Polityka a polityka publiczna* [Politics and public policy], "Zarządzanie Publiczne" 2007, no. 1 ■ C. Offe, *Teoria państwa kapitalistycznego a problem formowania polityki publicznej* [The theory of the capitalist state and the problem of forming public policy], "Zarządzanie Publiczne" 2008, no. 2.

PUBLIC SAFETY – in material terms it ensures stable functioning of all citizens in the state, which consists of the whole social, legal and organisational relations serving to reduce the risk of threat to the functioning of the state organisation and implementation of its interests, enabling its normal and free development. The formal guarantee of maintaining this state are legal norms, and institutional – the competent state bodies. This concept therefore covers the broadly understood security of all citizens of the state – both the safety of every person, his/her life, health, property, implementation of subjective rights, and all forms of collective life in a state organisation in which people co-exist, that is the safety of all public institutions and social, private organisations, etc. In the second view,

p.s. refers to the system of protection, i.e. the system of organisational activities and authorisation to use coercive measures by specialized state institutions, in order to ensure the status stated above. P.s. is closely related to the term → public order. P.s. means all manifestations of the absence of any dangers in the life of a certain community of people. It includes safety in communication, in road, rail, water and air traffic, as well as no threats related to disasters, natural disasters, epidemics, and finally, no threats caused by criminal human action directed against life, health of the individual or against property. It is impossible to list all security threats that may occur in life. As a result of civilization development, new social relations are emerging, bringing new and unknown states of threat to particular individuals or to the whole society. The general wording "safety" therefore refers to all states of non-threat – and those that we are able to list in detail today, and those that are yet to emerge in the near or distant future. The concept of p.s. is closely related to the functioning of man and various social structures within the state institutions, therefore, also in the narrower meaning, it also occurs in legal regulations, but is expressed rather through a more precise term – state security. [A. Misiuk]

Literature: A. Misiuk, *Administracja porządku i bezpieczeństwa publicznego. Zagadnienia prawno-ustrojowe* [Administration of public order and safety. Legal and political issues], Warszawa 2008 ■ S. Pieprzny, *Ochrona bezpieczeństwa i porządku publicznego w prawie administracyjnym* [Protection of security and public order in administrative law], Rzeszów 2007.

PUBLIC SECTOR REFORMS – in the 1970s, the public sector and public administration reforms were related to the crisis and changes in the welfare state, with the emergence – in response to the then economic problems – of neoliberal ideology and the associated diminishment of legitimacy of governments and the state. Increasing difficulties in public finance systems, the need for savings, an increasingly complex management environment, growing problems of bureaucracy control – these were the main reasons for reforming countries whose administration model was based on the Weberian model (→ Weber Max). Other important factors were the trends popular in those days, imitation, and pressure of international organisations (the World Bank, the Organisation for Economic Co-operation and Development, International Monetary Fund, the European Union). In general, the most frequent reforms were made around and within the public sector, as well as the political system as a whole, and also within the scope of tasks of the state and administration (reduction). Reforms also concerned the structure (government and territorial authorities), organisation and management (procedures, processes, introduction of market and competition), people management and budget. In the context of public administration reforms, a typology is used in literature which defines individual countries as: precursors (*early starters*), *followers* and *latecomers*. Moreover, the following groups of countries stand out in literature in this context: countries with traditional

models (Germany, France), third world countries and post-communist countries. Regarding the types of reforms, three phases of reforms are being discussed: 1. *New Public Management* (→ New Public Management) – aimed at introducing management instruments applied in the private sector to administrations (tenders, measures, flexible structures and contracts), 2. *Governance* – whose aim is to increase public participation in government and transparent, honest and accountable administration (→ good governance), 3. *Neo-Weberian State* – which tries to combine the strengths of the Weberian bureaucracy (strong state, the role of law) with the elements of New Public Management, contributing to the increase of administrative efficiency. The most well-known reforms include the decentralization reform in France in the 1980s, reforms that marketised the British, American, Australian and New Zealand administration, the German so-called new control model, and consolidation of local governments in the Scandinavian countries. The reforms of the public sector are criticized, for example, for: 1. inadequacy of theory (e.g. NPM), 2. bad implementation, 3. unforeseen side-effects (e.g. regarding officials' ethics, corruption), 3. fragmentation of the state (executive agencies, separation of the ordering entity from the entity implementing a public service), 4. weakening of the public interest (emphasis on financial issues). (→ model of bureaucracy) [D. Długosz]

Literature: C. Pollit, B. Bouchaert, *Public Management Reform. A Comparative Analysis – New Public Management, Governance and Neo-Weberian State*, Oxford 2011.

PUBLIC SERVICE – activities performed on behalf of a state/international organizations/integration groups for citizens / society in → public interest. In functional terms, p.s. means such an organization of persons employed on behalf of a state/international organization/integration groups in which their activity is to provide benefits and implementation of → public services, in order to meet the collective and individual needs of individuals and society. In terms of purpose, p.s. is a set of activities and actions that are aimed at providing public services, such as public safety and order, health care, education, electricity, heat and water supply, municipal waste collection or organization of collective or individual transport in specific forms regulated by law. In axiological terms, p.s. is the act of performing public services for all members of society, regardless of their financial and social status (this assumption results from both ethical reasons and social consensus expressed by the system of a democratic rule of law). Persons employed by the state / international organizations / integration groups and acting on their behalf are guided by public ethics, i.e. special values in public activities – such as political neutrality, responsibility, mission, dedication, professionalism, dedication to service, honor, reliability and impartiality. Persons employed in p.s. are characterized by social responsibility, i.e. action aimed at satisfying social needs rather than achieving individual profits. Their goal is to achieve public good, i.e. good which is uncompetitive and does not exclude anyone. In praxeological terms, p.s. employees are, for social and political reasons,

usually subject to separate legal provisions that go beyond the Labor Code; in a narrow sense they are employed in → the civil service, in the widest – they are all those who perform tasks on behalf of the state (local government employees, foreign service, state administration employees, uniformed services, politicians, EU external services). However, it should be remembered that people employed in p.s. may be subject to the same labor law provisions as those employed in other sectors (e.g. in New Zealand – the Employment Contract Act 1991). P.s. can be considered from the point of view of subject and object. Subjectively – as a separate corps of persons employed on the basis of law in public institutions, guided by official pragmatics, serving society and performing important functions of the state. Objectively – as persons who perform broadly understood public services on behalf of a state/international organizations/integration groups. Considering the problem in terms of efficiency, attention should be paid not so much to the purpose of its operation as to the efficiency in satisfying social needs and to the degree of securing social trust. (→ right of access to public service) [J. Itrich-Drabarek]

Literature: J. Itrich-Drabarek, *Conditions, standards and directions of changes in the civil service in Poland against the background of European conditions*, Warsaw 2010 ■ Password: Public sector, [in:] The OECD Glossary of Statistical Terms, [online] https://stats.oecd.org/glossary/detail.asp?ID=2199 [access: November 2019].

PUBLIC SERVICE MISSION – indicates the servient character of work of persons employed in the public administration and indicates two entities for whom this service is performed – the citizens and the state, equally. Serving the citizens means promoting the common interests of the people over personal, individual or group interests. Service in favour of the state means acting to protect its interests and development, and to care for a positive image of the state among its citizens and abroad, as well as a positive image of its bodies and institutions, including its service. Public service means presenting by the official a pro-state attitude. The → public official plays a significant role in promoting ethical attitudes and preventing improper behaviour. Honourable conduct and performance of public service mission are inscribed in his attitude. [J. Itrich-Drabarek]

Literature: J. Itrich-Drabarek, *The Civil Service in Poland – Theory and Experience*, Frankfurt am Main 2015 ■ J. Itrich-Drabarek, *Etyka zawodowa funkcjonariuszy służb państwowych* [Professional ethics of the state officials], Warszawa 2016.

PUBLIC SERVICES – services provided by the state to its citizens (recipients of services may also be legal entities established in a given country and foreigners residing legally in its territory), whose purpose is the public interest and/or providing users with access to goods important from the point of view of their key needs. P.s. have a very diverse character and can be divided into three areas: administrative, social and technical. The **social area** includes: health care, education, social assistance, culture (including access to national heritage), sport, housing, labour

market and public safety (including: army, police, fire brigade). The **technical area** includes: public transport, telecommunications, energy management, water management, waste management and environmental protection. Tasks in the **area of administration** include, among others: data registration and issuing documents, as well as granting licenses and permits. A new category that has appeared in recent years is the so-called e-services that allow recipients to contact institutions online, e.g. → Electronic Platform of Public Administration Services (ePUAP) or Platform for Electronic Services of the Social Insurance Institution (PUE ZUS). P.s. can be implemented directly by public sector entities (e.g. offices), but it is also possible to outsource them, which entails public administration entrusting the implementation of selected tasks to another entity, non-governmental organisations or private entities. (→ marketisation of public services) [E. Jaroszewska]

Literature: O. Lissowski, *Usługi publiczne i usługi w interesie ogólnym – koncepcja i niektóre problemy instytucjonalne marketyzacyjnej modernizacji świadczenia usług publicznych w unii europejskiej* [Public services and general interest services – the concept and some institutional problems of the marketisational modernisation of the provision of public services in the European Union], "Zeszyty Naukowe Politechniki. Organizacja i Zarządzanie" [Scientific notebooks of the Polytechnic. Organisation and management] 2017, no. 74 ■ *Usługi publiczne. Organizacja i zarządzanie* [Public services. Organisation and management], ed. B. Kożuch, A. Kożuch, Kraków 2011.

PUBLIC TASKS – tasks (duties) legally imposed on public authority bodies to satisfy collective needs or pursue the public interest. P.t. in this approach are a special type of activities that public entities are required to implement. A list of p.t. constitutes a specific obligation of the authorities to the society. The immanent feature of p.t. is that the expenses incurred on them come from public funds collected in the public finance sector according to the appropriate rules of social solidarity. The fact that p.t. are tasks carried out by public entities (the state, local government units or international organisations), implies the necessity to regulate them in normative acts. This is reflected in the competence acts of relevant public bodies and institutions. The source of p.t. is not so much the existence of an objective category of public goods, but the decision of the legislator as a consequence of political decisions. The division of p.t. among the state and local government bodies is regulated by the → principle of subsidiarity (they should be implemented at the lowest level of authority and public administration through the bodies closest to the citizens). Characteristics of p.t. include: their obligatory implementation by the designated bodies, the legal basis for their implementation, satisfying collective needs or public interest (determined by the level of economic and civilizational development of the country and the prevailing social doctrine) and public funding. One can mention six basic p.t.: ensuring the supply of public goods; ensuring a fair distribution of income; ensuring conditions for a sustainable and stable macroeconomic development of the economy; ensuring the proper functioning of the market mechanism; influencing the

production of private goods in order to obtain socially desirable supply; management of the state's property and finances. [T. Strąk]

Literature: T. Lubińska, *Budżet a finanse publiczne* [Budget and public finances], Warszawa 2010 ■ E. Malinowska-Misiąg, W. Misiąg, *Finanse publiczne w Polsce* [Public finances in Poland], Warszawa-Rzeszów 2007 ■ E. Ura, *Prawo administracyjne* [Administrative law], Warszawa 2015.

PUBLIC VALUE – in microeconomic terms, the value of utility provided to a citizen/customer as a result of spending public funds. The measure of so understood p.v. is the relation of the expected results to expenditures, and the main determinants of its creation are the → efficiency and → effectiveness of the operation. In this approach, the public sector unit creates p.v. if it effectively implements its mission with effective management of public funds. A citizen here is identified with the consumer of public goods (principle of effectiveness) and the taxpayer (principle of efficiency). Beside the concept of p.v. the relation of the expected results to public expenses is defined as the public service value or the value obtained for public expenses (*value for money*). The notion of p.v. (based on the concept of value management in the private sector) was introduced by Mark H. Moore in his work entitled *Creating Public Value* from 1995. In broader terms, p.v. is defined in relation to the citizen's needs analysed using the triad: citizen – owner and partner, citizen – client, citizen – taxpayer. In this approach, the public unit provides value to its citizens if it effectively and efficiently implements its mission and the goals resulting from it, which were developed jointly with its stakeholders, while acting in a transparent, innovative, participatory, lawful and ethical manner and ensuring accountability of the implemented tasks. Dimensions of p.v., in accordance with the above understanding, include: efficiency, effectiveness, transparency, participation, innovation and ability to respond to stakeholders' expectations, accountability and observance of laws and ethical principles. [T. Strąk]

Literature: M. Ćwiklicki, *Wprowadzenie do wartości publicznej* [Introduction to public value], [in:] *Reformowanie polskiej administracji publicznej – wybrane aspekty zagadnienia* [Reforming the Polish public administration – selected aspects of the issue], ed. S. Mazur, Kraków 2011 ■ G. Musialik, R. Musialik, *Kreacja wartości publicznej* [Creation of public value], "Współczesne Zarządzanie" 2013, no. 2 ■ T. Strąk, *Modele dokonań jednostek sektora finansów publicznych* [Models of achievements of public finance sector entities], Warszawa 2012.

PUBLICATION OF LOCAL LAW ACTS – is the last stage of the law-making procedure, which conditions the validity of → local law. Rules and announcement mode of l.l.a. and issuing of the voivodship official journal is specified in the act. Normative acts are published in the voivodship official journal and enter into force after 14 days from the day of their publication, unless a given local law specifies a different date. In the voivodship official journal, in particular, l.l.a. established by the municipality and county bodies and by the voivodship sejmik are

published, as well as those constituted by the voivode and non-joint administration bodies. Order regulations, constituting the category that distinguishes l.l.a. in the system of sources of law, are announced in the form of notices, as well as in a manner customarily adopted in a given area or in mass media. They enter into force, in principle, after three days from the day of announcement, which is considered the day indicated in the notice (in justified cases they may come into force in a shorter time). If the delay of entry into force could cause irreparable damage or serious threat to life, health or property, the competent body may order that they will enter into force on the day of announcement, and the announcement of the order regulations in this way does not exempt from the obligation to publish them in the voivodship official journal. Pursuant to the act, the village mayor/mayor/president of the city is obliged to send order regulations to village mayors/mayors/presidents of cities from the area of neighbouring municipalities and to the starost of a county in which the municipality is located. He should do so no later than on the day after they were established. [S. Kozłowski]

Literature: Z. Kopacz, *Publikacja aktów prawa miejscowego w Polsce* [Publication of local law acts in Poland], Olsztyn 2016.

PUBLIC-PRIVATE PARTNERSHIP (PPP) – is one of possibilities of long-term cooperation of → public and private sectors within the scope of performing public tasks. PPP includes various activities performed mainly in education, healthcare, infrastructure investments within the scope of providing services, building, expanding or modernizing building objects and other activities aimed at improving the quality of life of citizens. The essence of PPP is a joint implementation of a project based on the division of tasks and risks between entities. PPP uses the knowledge, competences and skills of partners to more effectively and successfully deliver or provide services to citizens. In the PPP agreement, the public entity commits to provide its contribution and the private partner commits to implement the project at a remuneration and to cover in whole or in part the expenditure for implementing the project. The cooperation within PPP should promote maximizing gains of public and private sectors while at the same time achieving the social goal and meeting the collective needs. The idea of PPP is to provide an additional capital for implementing necessary projects in cases of limited public capital, improving the quality of provided services, improving the operation of public administration through optimizing the use of available resources and implementing mechanisms of competition in the scope of providing public services. The key benefit to the private partner is gaining profit from the investment realized within the PPP. The basis of the cooperation is an agreement that defines the scope and conditions of implementing the project and obligations of the parties. [A. Bejma]

Literature: M. Wieloński, *Partnerstwo publiczno-prywatne w Unii Europejskiej* [Public-private partnership in the European Union], Warszawa 2014.

R

RECEIVERSHIP – one of the supervisory measures in relation to the bodies of units of local government. The establishment of the r. is made by the decision of the → President of the Council of Ministers, who acts upon the request of the minister responsible for public administration and may lead to the suspension of the bodies of local-government units and to establish the r. The premise of introducing r. is the lack of hope for rapid improvement and prolonged lack of effectiveness in the performance of public tasks by the bodies of local government units: municipality, county or self-government voivodship. R. can operate for a maximum of two years (i.e. half of the term of office of local government). R. cannot function longer than until the election of bodies of local-government units. Implementation of the r. may take place after raising the objections to the local-government bodies with the simultaneous requesting of an immediate submission of the so-called repair program. Acts of the supervisory body, consisting in the establishment of a r., are subject to appeal to the administrative court within 30 days of the date of service. A local-government unit whose legal interest, power or competence has been violated is entitled to file a complaint. The literature of the subject notes that there are cases of establishing a r. based on the political premises – when a political group forming/cocreating a council of ministers loses power in the local-government unit (an example of a r. in the Warsaw's Centre municipality in May 2000 – the → Supreme Administrative Court abrogated the decision of the President of the Council of Ministers in the case). (→ supervision of local government) [J. Wojnicki]

Literature: B. Dolnicki, *Nadzór nad samorządem terytorialnym* [Supervision over local government], Katowice 1993 ■ E. Ochendowski, *Prawo administracyjne (część ogólna)* [Administrative law (general part)], Toruń 2013 ■ E. Zieliński, *Administracja rządowa i samorządowa w Polsce* [Government and local government administration in Poland], Warszawa 2013.

RECRUITMENT – a legal mechanism (system) for employing public administration employees based on specific standards and guidelines. It is one of the most important elements of the human resources management process in public administration. According to standards of public service, those employed in public administration (e.g., in local government administration or as part of the → civil service corps) must pass the qualification procedure, which selects the best – professionals, specialists, predisposed to work in administration, reliable, loyal to the state and friendly to the citizen. The qualification procedure is designed to identify people with specific characteristics, knowledge and skills, which will increase the effectiveness and efficiency of the entire executive apparatus of the state. The legal frameworks of organisation of r. for public administration in Poland are also

determined by international regulations, executive acts, standards and guidelines defined, inter alia, in the EU Treaty, the Charter of Fundamental Rights, the International Covenant on Civil and Political Rights, the recommendations of the Committee of Ministers of the Council of Europe on the status of public employees in Europe, the recommendations of the Committee of Ministers of the Council of Europe defining the code of ethics for government officials. (→ right to access to public service; civil service; local government employees, official) [K. Mroczka]

Literature: J. Itrich-Drabarek, *Uwarunkowania, standardy i kierunki zmian funkcjonowania służby cywilnej w Polsce na tle europejskim* [Conditions, standards and directions of changes in the functioning of the civil service in Poland against the European background], Warszawa 2010 ■ K. Mroczka, *Wpływ polityki zarządzania zasobami ludzkimi w służbie cywilnej na funkcjonowanie państwa* [The impact of human resources management policies in the civil service on the functioning of the state], Warszawa 2015 ■ Wyrok Trybunału Konstytucyjnego z dnia 10 maja 2000 r. [Judgment of the Constitutional Tribunal of 10 May 2000], ref. no.: K.21/99, Journal of Laws (Dz.U.) 2000, No. 39, item 462, "Orzecznictwo Trybunału Konstytucyjnego Zbiór Urzędowy" 2000, no. 4.

REGION – a separated area of the Earth, characterized by specific features that distinguish it from the surrounding environment. The definition of a region is different depending on the discipline of science. In economic sciences, a region is an area distinguished on the basis of characteristics related to human activity. Economic regions are classified based on the distinction of economic characteristics (e.g., agriculture, industry) and on the basis of the analysis of economic dependencies. In legal sciences, a region is the unit of administrative division of the highest degree, distinguished by the legislator because of the characteristics different from other units of administrative division of the same degree. The scope of the competences of a region depends on the specificity of the systemic solutions adopted in a given country (enshrined in the constitution or in the statutes). In the EU, for the purposes of cohesion policy, the European Commission has developed a special hierarchical classification of regions (so-called Nomenclature of Territorial Units for Statistics → NUTS), which takes into account the specific administrative divisions of the member states, and where the region is defined as a territorial statistical unit that coincides with the administrative division in each member state. According to the Declaration on Regionalism in Europe, 1996, of the Assembly of European Regions, a region is defined as a part of a strictly national territory subordinated to the central authority. It is located between the centre of the state and the lower territorial units and most often has the status of a corporation governed by public law. It has specific political competences and should have elected political authority. In Poland, a → voivodship is the unit of regional division. (→ regional policy) [K. Tomaszewski]

Literature: H. Dumała, *Transnarodowe sieci terytorialne w Europie* [Transnational territorial networks in Europe], Lublin 2012 ■ H. Skorowski, *Europa regionu: regionalizm jako kategoria aksjologiczna* [Europe of the region: regionalism as an axiological category],

Warszawa 1999 ■ K. Tomaszewski, *Regiony w procesie integracji europejskiej* [Regions in the process of European integration], Kraków 2007.

REGIONAL AUDIT CHAMBERS – the state bodies performing supervisory and financial economy control activities. They are not part of the organisational system of local government, but a specially established state institution, exercising external control in relation to the bodies and units of local government, with constitutional legitimacy. RACs supervise the activities of local-government units in the field of financial affairs and control financial management and public procurement of: local-government units, metropolitan unions, inter-municipal associations, municipal associations and municipality and county associations, county unions, county-municipality associations, county associations, local-government organisational units, including local-government legal entities, other entities in the scope of their use of subsidies granted from the budgets of local-government units. RACs prepare reports, analyses and opinions in matters specified by laws. In the scope covered by supervision and control RACs conduct information, instructional and training activities. RACs control the financial economy, including the implementation of tax obligations, and public procurement based on the criterion of compliance with law and compliance of documentation with the actual state. The control of the financial economy of local-government units within the scope of government administration tasks performed by these units on the basis of laws or agreements is also made by RACs taking into account the criterion of purposefulness, reliability and economy. As of November 2017, there are 16 RACs with headquarters in voivodship cities. The RAC presidents and one representative of each board of each chamber (32 people) form the National Council of Regional Audit Chambers (NC RAC). (→ supervision of local government) [P. Antkowiak]

Literature: B. Dolnicki, *Samorząd terytorialny* [Local government], Warszawa 2016.

REGIONAL DEVELOPMENT – socio-economic development → of the region; it is a complex process of changes in the scope of mutually connected socio-economic elements pertaining to a region, such as: economic potential, economic structure, environment; land management and infrastructural management; spatial order, living standards. R.d. is connected with the growth of a given region's economic potential, which gives rise to the permanent improvement of living standards of its inhabitants and competitiveness growth. In Poland the first legal act which regulated this sphere of state policy was passed in the year 2000. The legal act regulated rules and forms of supporting r.d. and collaboration rules between the council of ministers and central administration bodies with local government units. This act was replaced by the National Development Plan adopted in 2004 and the legal act of 2006 regarding principles of the development policy. Although the legal act of 2000 was repealed, its aims of r.d. are worth mentioning, because their detailed enumeration (broader than in the legal

act of 2006) has a significant impact on the way of thinking about regions' competitiveness and its measuring criteria. As it was previously mentioned, r.d. has the following aims: development of particular areas of the territory, improvement of living standards and living conditions of inhabitants and level of sustaining the needs of local society; creation of favorable conditions in order to increase local societies' competitiveness; leveling out differences between particular state areas and providing equal opportunities for citizens regardless of their place of residence and also reduction of backwardness of underdeveloped areas, which have less favorable conditions for development. R.d. should take into consideration prerequisites connected with the reinforcement of economic cohesion and territorial integrity; the need of defense and safety and prerequisites of cultural heritage and cultural goods. The development of entrepreneurship of small and medium enterprises was considered to be the main task of r.d.; second of all, economic innovations and thirdly, technological transfer. Furthermore, the following tasks there were listed: reorganization of selected fields of public services, local and regional economy based on the principle of sustainable development, creating new and stable workplaces; investments in the field of technical and transport infrastructure which in turn improve the fulfillment of conditions for economic investments; projects in the scope of education, educational investments and adult education; projects in regional and local culture, which are elements of national culture and heritage protection. These public tasks also embrace investments improving the state of environment, development of institutions functioning in favor of boosting activity and supporting regional and local societies' activities in the local governmental sphere. The perception of regional development policy at that time was defined as funds distribution by the state in order to decrease socio-economic disproportions between regions. The actors, who were responsible for funds distributions, were the minister responsible for regional issues and the Council of State Regional Policy. In this respect a small role was played by local government units which were consumers of these activities.

The difference between the mandatory legal act of 2006 regarding the rules conveying the development policy and the legal act of 2000 lies in the approach – the development policy refers to three activity dimensions: at the state level, regional level and local level. R.d. is an element of the complex development policy, understood as a group of mutually connected activities, which are undertaken and performed in order to provide state sustainable development; socio-economic, as well as regional and spatial cohesion, enhancement of competitive economy and creation of new workplaces at the national, regional and local level. Accordingly, the council of ministers is responsible for the state development policy, the voivodship local government is responsible for the regional development policy and counties and municipalities are responsible for the local development policy. The aims of development policy are: sustainable development (country, region, local level), socio-economic cohesion, competitive economy

and creation of new workplaces. The above-mentioned actors are conveying the development policy through development strategies, operational programs and program documents. (→ regional policy; regional operational program; voivodship development strategy; local development) [M. Balcerek-Kosiarz]

Literature: M. Balcerek-Kosiarz, *Rola samorządu w sferze podnoszenia konkurencyjności regionów w Polsce i Niemczech* [The role of local government in raising regional competitiveness in Poland and Germany], Warszawa 2018 ■ T. Kudłacz, *Programowanie rozwoju regionalnego* [Programming regional development], Warszawa 1999 ■ K. Wlaźlak, *Rozwój regionalny jako zadanie administracji publicznej* [Regional development as a task of public administration], Warszawa 2010.

REGIONALISATION (→ region) – is the establishment of a new administrative division introducing a new local government, located directly under the state government. A region (r.) is the highest unit of the organisation of state territory, regardless of its political form, with a relatively large area and quite a large population, constituting a relatively homogeneous area from the economic, social and cultural point of view. R. is an indirect (although not necessarily intermediating) link between the state and other units of territorial organisation, which should be entirely within its borders. There are several models of regionalisation (regionalis.). The first model consists in the systemic separation of one or several parts of the territory of a given state, always on the basis of an exception and differentiation of the position of a given regional unit from the remaining parts of the administrative division of the country. As a result of such transformations, within one state organism, there are units of territorial division that are named in the same way, but with different positions and systemic powers (Italy, Portugal). The second model consists in the realization of universal territorial autonomy within the state. R. operate on the basis of autonomous statutes, given or approved by the parliament, in the form of ordinary, organic or constitutional acts. These statutes determine the scope of the legal, political and economic autonomy of the region (Spain). The objectives of regionalis. can be quite diverse. Most often in modern regionalis. they include: the empowerment of r. and ethnic minorities, improved governance, overcoming the crisis of central state structures, or protecting the state from growing ethnic conflict. There are different ways of introducing regionalis: 1. from the bottom – Spain is an example, whose constitution allows a provincial group to obtain the status of a r. as a result of their bottom-up initiative expressing spontaneous regional aspirations; 2. from the top – in which the central government initiates and implements reforms, the model solution is the French decentralization reforms of the early 1980s, another example is the introduction of Polish voivodship local governments since 1999. Regionalis. may (but does not have to) lead to the gradual federalization of the state (example of Belgium or the unsuccessful attempt to federate Italy) or separatism (the case of Catalonia in Spain). In Europe, regionalis. often means the coexistence of regional authorities elected in general

elections with a representative of the central government in the regions (Poland, France, Spain). [D. Długosz]

Literature: T. Kaczmarek, *Struktury terytorialno-administracyjne i ich reformy w krajach europejskich* [Territorial and administrative structures and their reforms in European countries], Poznań 2005 ■ Z. Machelski, *Struktury terytorialne państwa* [Territorial structures of the state], Warszawa 2015.

REGIONAL OPERATIONAL PROGRAMME (ROP) – a planning document, prepared and managed by the voivodship board, consisting of a coherent list of operational priorities, areas (sometimes also detailed actions) leading to increasing the competitiveness and sustainable development of a given region. On the one hand, it is an important tool for the implementation of the socio-economic development strategies of individual voivodships in Poland, and on the other hand, an instrument that makes it possible to achieve the objectives of the existing strategic programmes regarding the EU's cohesion policy – in 2017 it is the Europe 2020 Strategy. The provisions of ROPs are part of the development objectives of Poland, expressed in the country's strategic documents and operationalised in the Partnership Agreement between Poland and the European Commission. They result and are closely related to the objectives set out in the following documents: 1. for the EU level – Europe 2020 Strategy, Country Specific Recommendations, for the EU/Poland level – Partnership Agreement; 2. for the national level – National Reform Program, National Development Strategy 2020 – Active society, competitive economy, efficient state; 3. for the regional level – the socio-economic development strategy of the voivodship. The main elements of the ROP are: 1. analysis of the socio-economic situation of the voivodship concerned, including the forecast of the results of the programme prepared before its commencement, 2. main objective and specific objectives, 3. priorities; 4. directions of spending public funds allocated to the implementation of programmes; 5. method of monitoring and evaluating the achievement of the main objective and specific objectives; 6. financial plan containing sources of funding for the implementation of the programme, amount of funds allocated to the programme implementation and its division among priorities, information on the amount of co-financing for each programme and priorities; 7. implementation system. Since 2007, the ROP has been implemented for 16 voivodships, each of which adopts its own set of priorities, indicating directions for spending the EU funds, based on a diagnosis of socio-economic situation supported by social consultations. Each of the programmes is prepared by the voivodship board in cooperation with the minister responsible for regional development (who supervises its implementation), is adopted by the voivodship board and by the European Commission. The resolutions of the ROP are expanded and detailed is the Detailed Description of the ROP's Priority Axes adopted by the voivodship board, including, inter alia, issues concerning potential beneficiaries, eligible costs, maximum and minimum value of the project, level of financing,

own contribution. (→ region, regional policy, voivodship development strategy) [T. Kownacki]

Literature: R. Poździk, *Fundusze unijne: zasady finansowania projektów ze środków unijnych w Polsce w latach 2007–2013* [The EU funds: rules for financing projects from the EU funds in Poland in years 2007–2013], Lublin 2008.

REGIONAL POLICY – activities of public authorities, which should lead to the socio-economic development of regions, in order to optimally use their resources for economic growth and improving their competitiveness, boost regional development and reduce spatial development disparities. One can speak of the two dimensions of the r.p.: 1. activities carried out by the state (comprehensive national policy) and 2. initiatives addressed to individual regions (policy for the benefit of the region). The subject of the r.p. in the first dimension is the state, in the second dimension – regional self-government authorities, in Polish conditions – self-government voivodships. The goal of the r.p. is: 1. strengthening the competitiveness of regions and providing equal opportunities for regions; 2. using the human potential and raw material potential and possibilities found in regional products and services; 3. improving the employment situation in the region; 4. improving the spatial development and quality of life of residents; 5. supporting the development of science and cooperation between the sphere of science and economy, supporting technological progress and innovation; 6. supporting the development of culture and taking care of cultural heritage and its rational use, promotion of advantages and development opportunities of the voivodship. The basis for determining the directions of the r.p. is the diagnosis of the region's development – defining such factors as labor force/human capital, universities and research infrastructure, transport infrastructure, services, economic activity, location, landscape conditions. Self-government authorities run an independent r.p. based on local resources and opportunities. (→ region; regional operational programme; voivodship development strategy) [E. Szulc-Wałecka]

Literature: *Gospodarka regionalna i lokalna* [Regional and local economy], ed. Z. Strzelecki, Warszawa 2009.

REGION COMPETITIVENESS – it is the ability of a region to guarantee social and economic surroundings, which support business activity and the process of raising the productivity and innovation level by making use of internal and external human, financial and material resources, which is measured in comparison to other regions. R.c. is also defined as the set of features, which determine the attractiveness of the region in the perspective of investments' placement or as a place to live and also as an expression of technological advantage or lower prices of products and services, which are produced in the region, in comparison to other regions. R.c. is shaped by the mutual influence of relations between actors of the regional economy, when entrepreneurs compete to achieve the best investments' placement, while regions compete to achieve capital inflow.

R.c. has two basic dimensions: 1. Direct competition, understood as competition of empowered territorial units which are competing for various types of benefits; 2. Indirect competition defined as the existence or the creation of regional conditions for economic actors, which enable achieving a competitive advantage in those elements, which are beyond the control of their operation. The growth of region competitiveness is the driving force of regional development. It is assumed that r.c. is the means (tool) to achieve the social goal of development, which is the growth of regional income and prosperity. The growth of competitive ability is measured not only by the improvement of the competitive position, but also by the ability of regional economy to maintain long-term profitable development, the effect of which is an economy structured to adapt to long-term changes in the structure of global demand.

Competitive region – a region in which the level of human knowledge (knowledge understood as the ability to anticipate needs and to discover new combinations of applying current and new material resources) enables the creation of structural supremacy and commercialization of the region's products. It is the area in which relations between production factors (land, capital, work and knowledge) emerge and are used to improve standards of life, attract new investors and support the region's multifunctional development. Competitiveness factors are the strategic resources and values of the region, which enable to distinguish those abilities and opportunities, which may ensure a stable competitive position on the market of offered products and services. They include: the development stage and state of technical, economic and social infrastructure facilities; presence of scientific and research institutions and higher education in the region; availability of highly qualified employees; well-developed business surrounding (attendance of banks and consulting companies); ecological conditions; landscape values; opportunities of tourism and recreation; reserves of territories suitable for the new investments' placement; affordable land prices and the level of rent; diversity of economic structure; transport accessibility; existence of agglomeration or big urban centers in the region; the quality of development management; the ability to absorb aid funds; the level of self-organization of the society including non-governmental organizations activity, innovative-organizational potential and effectiveness of small and medium entrepreneurs (→ regional policy; regional development) [M. Balcerek-Kosiarz]

Literature: M. Balcerek-Kosiarz, *Rola samorządu w sferze podnoszenia konkurencyjności regionów w Polsce i Niemczech* [The role of local government in the sphere of increasing the competitiveness of regions in Poland and Germany], Warszawa 2018 ■ P. Góralski, M. Lazarek, *Czynniki kształtujące konkurencyjność regionów* [Factors shaping regional competitiveness] "Zeszyty Naukowe SGGW. Polityki Europejskie, Finanse i Marketing" 2009, no 1(50) ■ B. Winiarski, *Konkurencyjność regionów – polityka regionalna – uwarunkowania makroekonomiczne* [Regional competitiveness – regional policy – macroeconomic conditions, [in:] *Problemy transformacji struktur regionalnych i konkurencyjność regionów w procesie integracji europejskiej* [Problems of regional structure transformations and regional competitiveness in the European integration process], ed. A. Klasik, Z. Zioło, Rzeszów 2002.

REGISTER ASSOCIATION – a legal form of organising citizens (→ association). Establishing a r.a. requires at least seven members – adult Polish citizens who have full public rights. The basis for functioning is set out in the statute containing: name, objectives and measures of the activity, data on the place of business, method of acquisition and loss of membership, rules for receiving remuneration by members of the r.a., rules for the selection of authorities, including internal supervision (mode of appointment/dismissal, competences, the manner of representation and the conditions determining the validity of the adopted resolutions), the rules for amending the statute and the rules regarding the dissolution. R.a. is subject to registration in the National Court Register. R.a. has legal personality. R.a. must obtain REGON and NIP numbers and keep current accounts, prepare annual financial statements for its activities and submit them to the appropriate tax office. In terms of compliance with the law and the statute the r.a. is supervised by the starost/president of the city. R.a. can create local organisational units, carry out paid public benefit activities and economic activity, from which profit should be allocated for the implementation of statutory objectives. R.a. can form unions of associations consisting of at least three r.a. or other legal entities (except for → foundations that cannot independently form a union of associations, but can be supporting members). (→ non-governmental organisation; public benefit organisation) [A. Bejma]

Literature: E. Hadrowicz, *Prawo o stowarzyszeniach. Komentarz* [Law on associations. A commentary], Warszawa 2016.

REGULATORY COMMISSION OF GOVERNMENT AND CHURCHES – special bodies, bringing together representatives of governmental administration and certain churches and religious associations, established in order to return to religious entities immovable property illegally acquired by the state during the existence of the People's Republic of Poland. These include the Property Commission for the Catholic Church (active in 1990–2011), the Regulatory Commission for the Polish Autocephalous Orthodox Church, the Regulatory Commission for the Evangelical-Augsburg Church in the Republic of Poland, the Regulatory Commission for Jewish Religious Communities, the Inter-Church Regulatory Commission. The legal basis for operation of these four r.c. are the acts that individually determine the relationship of the state to a particular church or religious association, enacted in years 1989–1997. The Inter-Church Regulatory Commission (established in 1998, for six churches) operates on the basis of the Act of 1989 on the guarantees of freedom of conscience and religion. R.c. are parity bodies. The minister competent for internal affairs, in consultation with the ecclesiastical authorities, determines their structure, mode of operation and the amount of remuneration for their members and auxiliary staff. The office service to r.c. is provided by the Service Team in the Department of Religious Denominations and National and Ethnic Minorities in the structures of the ministry subordinate to the minister competent for internal affairs. R.c. are bodies

performing *sui generis* administration of justice in civil matters. The proceedings before them are of a mediation-arbitration nature, their judgments are not subject to an appeal. As a result of the regulatory proceeding it may be possible to restore property rights to church legal persons, to grant replacement property, to grant compensation. It is also possible to enter into a settlement before the panel of judges of the commission. In practice, stakeholders were eager to use this solution. [B. Górowska]

Literature: D. Walencik, *Regulacja spraw majątkowych związków wyznaniowych* [Regulation of property matters of religious associations], [in:] *Bilateralizm w stosunkach państwowo-kościelnych* [Bilateralism in state-church relations], ed. M. Bielecki, Lublin 2011.

RELIABILITY – according to John Rawls, it means acting according to the rules of the institution, provided that two requirements are met: firstly, the institution is fair (i.e. reliable and impartial) and, secondly, the benefits offered by the institution are voluntarily accepted. The canons of reliability of a public administration official include: conscientious work, striving to achieve the best possible results in compliance with the law, → responsibility, punctuality, activity, loyalty to the government and superiors (→ political neutrality), executing orders of superiors and not discrediting them in the eyes of other subordinates, actively supporting the actions of superiors. The reliability in essence means treating one's professional duties with seriousness, performing tasks competently and without delay, accuracy, business-like character, diligence, honesty, dutifulness, meticulousness, acting in compliance with the regulations, performance in accordance with the Code of Administrative Procedure (especially regarding meeting deadlines), performing duties to the best of knowledge and with full commitment. The expression of reliability can be observed in the performance of tasks by the official imposed by the law (the so-called hard law) and ethical codes (the so-called soft law). Reliability of the public administration official influences the image of the state. From the point of view of the → control of public administration, reliability includes an assessment of the performance with due diligence on the conduct of the activity as well as on the merit of the carried out tasks, and the concept of reliability covers keeping up the existing standards and rules. [J. Itrich-Drabarek]

Literature: J. Itrich-Drabarek, *The Civil Service in Poland – Theory and Experience*, Frankfurt am Main 2015 ■ J. Jagielski, *Kontrola administracji publicznej* [Control of public administration], Warszawa 2007 ■ J. Rawls, *Teoria sprawiedliwości* [A Theory of Justice], Warszawa 1994.

REMINDER IN ADMINISTRATIVE PROCEEDINGS – a form of appeals to inactivity and lengthiness of → administrative proceedings. Only a party to the administrative proceedings may submit a r. The party may take advantage of the right to submit a r. on the action of administrative body if the case is not resolved within the time prescribed by law (→ inactivity) or conducted proceedings take

longer than necessary to settle the case (→ protractedness). By submitting the r., the party indicates what it considers to be the slowness of the administrative body in the specific administrative proceeding. The r. should be submitted to the higher body directly or through the body guilty of delayed or protracted proceedings. Submitting a r. gives the body examining the complaint the right to issue an administrative act binding the lower body in the proceedings in the case. The body examining the r. in the pending proceedings determines whether the body of the first instance has committed inactivity or the protractedness of the proceedings, and in case any one of them is found, orders the explanation for the reason of their occurrence and determines the persons responsible for the sluggishness/omission. Where the subject-matter of the r. is the proceeding still not yet completed by the body of the first instance, the examining body may set a time-limit for its completion. If necessary, the body examining the r. may also take measures to prevent the occurrence of similar irregularities in the future. A decision on the reminder issued by the higher body is subject to an appeal by the party to the proceedings to the administrative court. [E. Sękowska-Grodzicka]

Literature: T. Brzezicki, *Terminy załatwienia spraw w postępowaniu administracyjnym* [Deadlines for handling cases in administrative proceedings], LEX/el.2010 ■ *Czas w prawie administracyjnym* [Time in administrative law], ed. J. Zimmermann, Warszawa 2011.

REPATRIATION POLICY – organized activity of state organs (central and local government) as well as non-governmental organizations, including arrivals and stays of repatriates; it is also an action aimed at the privileged procedure of acquiring citizenship. R.p. is implemented on the basis of regulations specifying the rules for the arrival and stay of repatriates on the territory of a given country. R.p is part of the → immigration policy. It is the result of territorial changes (e.g. decolonization, change of borders), political (evacuation from persecution) or economic (labor market demand). Objectives focus on: 1. enabling compatriots to return to their homeland; 2. obtaining the desired population structure in a given administrative unit. Currently in the European Union it is implemented by individual countries, but in the case of Poland, due to demographic changes among foreign compatriots, it is losing importance due to the milder form of affiliation with the host country, without gaining citizenship (e.g. Polish Card). R.p. implemented by local governments includes activities within the competences of the authorities of individual local government units (mainly municipalities) aimed at limiting or encouraging repatriates to settle and stay on their territory. It includes active support in seeking employment, enabling education at various levels, ensuring security, housing policy, satisfying material needs and health protection. R.p. implemented by non-governmental organizations mainly consists of activities directed at the host society and repatriates. Information campaigns on repatriates are addressed to the host society, while actions are being carried out towards repatriates to support adaptation and integration

processes in the host country. In Poland and other EU Member States r.p. is not subject to axiological dispute. There is a clear difference in the r.p. implemented in the western and eastern parts of the EU. R.p. in the western part of the EU (e.g. France, Spain, Portugal, Great Britain) was carried out mainly in the post-war period of decolonization, causing mass departures of the European population. In the eastern part of the EU (e.g. Poland, Hungary, Romania) r.p. is the result of post-war territorial changes (mass resettlements in the post-war period) and differences in the standard of living between countries in the eastern part of the European continent (limited resettlements after 1989). [P. Hut]

Literature: P. Hut, *Warunki życia i proces adaptacji repatriantów w Polsce w latach 1992–2000*, [Living conditions and the process of adaptation of repatriates in Poland in the years 1992–2000], Warsaw 2002 ■ P. Hut, *Polska wobec Polaków w przestrzeni poradzieckiej. Od solidaryzmu etnicznego do obowiązku administracyjnego* [Poland towards Poles in the post-Soviet space. From ethnic solidarity to administrative duty], Warsaw 2014 ■ P. Hut, *Migracja i pojęcia pokrewne* [Migration and related concepts], [in:] *W kręgu pojęć i zagadnień współczesnej polityki społecznej* [Concepts and issues of contemporary social policy], edited by B. Rysz-Kowalczyk, B. Szatur-Jaworska, Warsaw 2016.

REPRESENTATIVE DEMOCRACY (so-called – indirect d.) – a form of exercising power consisting in making decisions in bodies of public authority by representatives elected in democratic elections. Selected representatives through the act of election obtain a legitimacy to make decisions and act on behalf and in the interests of citizens. Citizens delegate their representatives to authorities at various levels, from local and regional (local government elections), through national (parliamentary and presidential elections) to international (elections to the European Parliament). In the r.d. the people do not exercise the power independently but through their representatives. R.d. is the basic form of exercising public authority. From the formal point of view, the basis of the r.d. is the participation of citizens through participation in elections. Nowadays, the participation of citizens in politics and in public life between elections, for example the possibility of association (the functioning of civil society), affiliation with political parties, lobbying and exercising civic control, among others through exercising the right to access to public information, is playing an increasingly important role in the functioning of the democratic system. The key determinant for this form of democracy are free, equal, universal and fair elections, carried out according to transparent rules. Some may hold the view that elections are a sufficient condition to call the system democratic – such a position is referred to as electorism and is sometimes criticized (with the argument that reducing democracy only to elections is a distortion of its essence). (→ direct democracy) [E. Szulc-Wałecka]

Literature: J. Haman, *Demokracja, decyzje, wybory* [Democracy, decisions, elections], Warszawa 2003 ■ J. Kuchciński, *Demokracja przedstawicielska i bezpośrednia w Trzeciej Rzeczypospolitej* [Representative and direct democracy in the Third Republic of Poland], Warszawa 2007 ■ W. Misztal, *Dialog obywatelski we współczesnej Polsce* [Civil dialogue in contemporary Poland], Lublin 2011.

RESPONSIBILITY – the idea of responsibility emerged in the 18th century in German philosophy. Many philosophers considered its meaning: Kant – writing about self-responsibility, Friedrich W.J. Schelling – proposing concepts of elitist responsibility, Johann G. Fichte – pointing to collective responsibility and Jean-Paul Sartre – absolutizing its meaning. Nowadays, the issue of r. has many dimensions in the public sphere – legal, social, moral responsibility, self-responsibility. R. is not limited in time – it occurs not only at the moment of a decision, implementation of the action, but also in the future. R. of public administration officials for the performance of tasks is determined by law and is not transferable. The basis of disciplinary r. of a public administration official can only be defined in the statutory norm. It would seem that the duties of an employee and an official recorded in the legal acts and duties set out in the codes of ethics are enough to guide his conduct. In public discourse there is also the notion of ethics of r., which assumes that bureaucratic inertia should be treated as a personal enemy with which one should fight and defeat it. As Zygmunt Bauman observes – the principle of responsibility and responsible choice in the modern world means r. to oneself. R. of employees and public administration officials is connected with the conviction that the compliance of a fulfilled obligation with one's own worldview allows positive self-assessment, including self-assessment of oneself as a member of a professional group, and also means having full awareness not only of the legal but also ethical consequences of its absence. (→ disciplinary proceedings) [J. Itrich-Drabarek]

Literature: Z. Bauman, *Szanse etyki w zglobalizowanym świecie* [The chances of ethics in the globalized world], Kraków 2007 ■ J. Itrich-Drabarek, *The Civil Service in Poland – Theory and Experience*, Frankfurt am Main 2015 ■ J. Itrich-Drabarek, *Etyka zawodowa funkcjonariuszy służb państwowych* [Professional ethics of the state officials], Warszawa 2016.

RIGHT TO ACCESS TO PUBLIC SERVICE – a constitutional right, granting the Polish citizens enjoying full public rights the right of access to the public service based on the principle of equality. This right means access, not guarantees of admission to public service (p.s.), because the bodies and institutions concerned by this regulation have the right to formulate additional conditions for admission to a particular position in the p.s., taking into account its type and essence. However, these cannot be discriminatory requirements (according to the case law of the Constitutional Tribunal), but those that relate to education, criminal record, special skills and character traits. There is no legal definition of p.s., in narrow sense, it is assumed that it only means → civil service. In a broader sense, the p.s. should also include the employees of state offices, local government employees, foreign service workers, and employees of courts and public prosecutor's office. In even broader sense, it also includes positions in institutions executing p.s., like army, Police, the Internal Security Agency, the Intelligence Agency, Border Patrol, Custom Service, Prison Service, Military Gendarmerie, or State Fire Service. Exceptionally, there are views that the public service should also include

the positions related with performing still other public functions, like member of parliament, senator, the President of the Republic of Poland, the Prime Minister, minister, councillor, village mayor, mayor, president of the city, the Commissioner for Citizens' Rights, the Children's Rights Advocate, the President of the Supreme Audit Office, etc. (→ civil service; local-government employees; public official; official) [I. Malinowska]

Literature: I. Malinowska, *Zróżnicowanie pracowników służby publicznej w Polsce* [Diversification of public service employees in Poland], [in:] *Prawne i aksjologiczne aspekty służby publicznej* [Legal and axiological aspects of public service], ed. K. Miaskowska-Daszkiewicz, M. Mazuryk, Lublin–Warszawa 2010 ■ P. Winczorek, *Komentarz do Konstytucji Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r.* [Commentary to the Constitution of the Republic of Poland of April 2, 1997], Warszawa 2008.

RIGHT TO COMPLAINTS AND MOTIONS – a constitutional right; everyone has the right to submit petitions, motions and complaints in the public interest, in his own interest or in the interests of another person – with his consent – to bodies and institutions of public authority, as well as to organisations and social institutions in connection with the performance of their prescribed duties within the field of public administration. The subject of the complaint (c.) may be, in particular, negligence or improper performance of tasks by the competent bodies or their employees, breach of the rule of law or interests of the complainant, and prolonged or bureaucratic handling of cases. The c. is submitted to the competent authorities for their consideration, which should be considered without undue delay, no later than within one month. The subject matter of the motion (m.) may be, in particular, a cases of improving the organisation, strengthening the rule of law, streamlining the work and preventing abuse, protection of property, meeting the needs in a better way. The m. should be submitted to the competent bodies based on its subject, which should be considered without undue delay, no later than within one month. In public administration institutions and social organisations and institutions that carry out public administration tasks, the reception and coordination of the handling of c. and m. is assigned to a separate organisational unit or to the nominated staff. C. and m. can be submitted in writing (also via telefax, e-mail) or verbally for the protocol. A petition (p.) can be submitted in the public interest, in the interests of the petitioner or the third party with his consent. Its subject may concern a request to change the law, a decision or other action in the case relevant for the applicant, collective life or values requiring special protection in the name of the common good falling within the scope of tasks and responsibilities of the addressee. P. should be submitted in writing or by electronic means, and should be processed without undue delay, no later than within three months from the date of submission. [I. Malinowska]

Literature: P. Winczorek, *Komentarz do Konstytucji Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r*. [Commentary to the Constitution of the Republic of Poland of April 2,

1997], Warszawa 2008 ■ H. Zięba-Załucka, *Prawo petycji jako forma społeczeństwa obywatelskiego* [The right to petition as a form of civil society], "Samorząd Terytorialny" 2011, no. 4.

RIGHT TO GOOD ADMINISTRATION – a set of specific rights under which the competent administrative body is assigned specific obligations and, accordingly, an individual may expect appropriate behaviour of the body under given circumstances, within the notion of a good administration. Introduced by the Charter of Fundamental Rights of the EU, this right is classified as the so-called third generation of human rights. The concept of the r.t.g.a. is substantially linked with the concept of → good governance. As a regulatory standard written in the CFR with regard to the EU legal area, it means that the fundamental right of an EU citizen is to demand from the authorities and institutions of the Union impartial, lawful consideration of the brought case without undue delay. This law is accompanied by the duty of the EU authorities and institutions, as well as all the officers employed there, of the proper resolution of the case in accordance with the citizen's right. If, as a result of the actions of the EU administration, the claimant has suffered damages, he is entitled to a claim for compensation. The r.t.g.a. has been detailed in The European Code of the Good Administrative Behaviour; European Parliament Resolution of 2001 (in Poland also known as Europejski Kodeks Dobrej Administracji, EKDA). The code belongs to the so-called soft law: it contains rules governing the behaviour of an administrative official such as the rule of law, non-discrimination, proportionality, prohibition of abuse of rights, impartiality and independence, objectivity, fairness, courtesy, reasonable time of decision and the obligation to justify the decision. The European Parliament recommends the implementation of the concept of "good administration" in the practice of the member states. In Poland, the Code was issued for the first time in 2002 by the Commissioner for Citizens' Rights with a comprehensive commentary and the Commissioner pointed out that there were no reasons for not declaring the standards contained therein to be useful both for the designation of the duties of the Polish administration and for the interpretation of Polish legislation, in both the substantive law and the law of administrative proceedings. Both the European Court of Justice and the Polish Administrative Courts refer to the right to good administration in the case law. [I. Malinowska]

Literature: *Europejski Kodeks Dobrej Administracji (wprowadzenie, tekst i komentarz o zastosowaniu kodeksu w warunkach polskich procedur administracyjnych)* [The European Code of Good Administrative Behavior (introduction, text and commentary on the application of the Code under Polish administrative procedures)], ed. J. Świątkiewicz, Warszawa 2007 ■ *Europejski Kodeks Dobrej Praktyki Administracyjnej* [The European Code of Good Administrative Behaviour], European Ombudsman 2015 [online] https://www.ombudsman.europa.eu/pl/resources/code.faces#/page/1 [access: September 2017] ■ *Prawo do dobrej administracji* [The right to good administration], "Biuletyn RPO – Materiały", z. 60, Warszawa 2008.

RULES OF COOPERATION WITH NGOs – cooperation between the non-governmental sector and public administration must be based on mutual understanding and willingness to cooperate and on certain principles, most of which are included in the law on public benefit and volunteering – the responsibilities of both parties are defined here. The following principles result from the commonly understood and accepted principles of social coexistence, they boil down to caring for the common good of the local community and the quality of life of the residents, especially those who require support when using public goods and services. These include the principles of: subsidiarity; sovereignty of parties; partnership; efficiency associated with the principle of parameterization; fair competition; openness; legalism; equal opportunities; innovation; social control. (→ principle of subsidiarity; forms of cooperation with NGOs in implementing public tasks) [I. Macek]

Literature: http://www.isp.org.pl/uploads/filemanager/Program%20Spoleczenstwa%20Obywatelskiego/poradniksplot.pdf.

S

SAC → Supreme Administrative Court

SCANDINAVIAN MODEL OF ADMINISTRATION – Swedish administration is a classic example of this model. About 240,000 people are employed in its central, governmental part. The vast majority work in 250 executive agencies. Only a small part of employees support ministerial offices. The reason for this is the so-called dualism of government administration. It relies on the existence of small-in-number ministries (implementing strategic tasks) and hundreds of government agencies (implementing executive tasks). In this arrangement, administrative matters are dealt with by the Ministry of Finance and the relevant executive agencies, including the Swedish Agency for Government Employers (SAGE). It is an institutional solution typical of other Scandinavian countries, such as Denmark or Finland. In the HR area, the Swedish system refers to the → positional model of civil service. First of all, almost all employees are employed on the basis of employment contracts, not nominations. Secondly, the HR policy is highly decentralised – implemented by individual offices under collective agreements. It should be noted that in spite of the fact that employment relations are based on private law, public employees in Sweden are distinguished by honesty. The clarity of public life in this country and the high level of political and legal culture of the Swedish society are factors that strengthen the officers' work ethos. The characteristics of the Scandinavian model are therefore: dualism of the government administration, decentralisation of human resources management with the important role of trade unions, the lack of a special legal status of public employees and their high ethical level. (→ civil service) [Ł. Świetlikowski]

Literature: Swedish Agency for Government Employers, *Central Government and Delegated Employer Responsibility: The Swedish Model*, Sztokholm 2009 ■ Ł. Świetlikowski, *Administracja rządowa w Szwecji – aspekty kadrowe i instytucjonalne* [Government administration in Sweden – personnel and institutional aspects], "e-Politikon" 2012, no. 2.

SECRETARY OF A LOCAL-GOVERNMENT UNIT – obligatorily created position at the municipality office, county starost office and marshal's office. The position of the s. of the municipality/city, county and voivodship is, next to the → treasurer's position, one of the two most important local government administration posts – these are the closest professional associates of the executive body. S. is a → local government employee employed under a contract of employment. Recruitment of candidates for vacant posts is carried out no later than three months after the dismissal. The position of a s. cannot be filled by entrusting the duties. A person with at least four years of work experience as an

official in local-government administration units, including at least two years on senior managerial position in these units, or a person with at least four years' work experience on administrative positions in local-government administration units and at least two years of work experience on a managerial position in other units of the public finance sector may be employed for this position. The head of the office may authorize the s. to carry out tasks on his/her behalf, in particular in the field of ensuring proper organisation of the office's work and pursuing the policy of human resources management. The basic tasks of the s. most often include the management of the office and its coordination, supervision over the proper legislative technique, care for staff development and employee training. The s. has no right to form political parties or belong to them. [P. Antkowiak]

Literature: B. Dolnicki, *Samorząd terytorialny* [Local government], Warszawa 2016.

SECRETARY OF STATE FOR EUROPEAN AFFAIRS – a position in the structures of the ministry responsible for Poland's membership in the EU (an office supporting the minister responsible for the Poland's membership in the EU, currently it is the Ministry of Foreign Affairs). The position of a secretary for European affairs exists since 2009, when the → European Affairs Committee was created, headed by the minister responsible for Poland's membership in the EU (usually it is the minister for foreign affairs), The minister is represented by the secretary for European affairs (except when the Committee's session is attended by the minister). The structures subordinate to the secretary of state for European affairs are the Department of the European Affairs Committee and the EU Economic Department. Since 2015, the secretary of state for the European affairs is also a plenipotentiary of the President of the Council of Ministers (p.c.m.) for coordinating the participation of the p.c.m. at the European Council (EC) meetings. His/her tasks include: 1. assisting the p.c.m. in participation in the EC meetings and other meetings of the EU heads of state and government, including with third countries; 2. cooperating with the advisors of the heads of state and government of the EU and coordination of the contacts of the p.c.m. with the president of the EC, the president of the European Commission and the president of the European Parliament in connection with EC meetings; 3. presenting the p.c.m. draft documents concerning participation in the EC meetings. He/she also presents the p.c.m. analyses, evaluations and conclusions related to the performance of the tasks entrusted to him/her and the annual report on his/her activities. In addition, as part of the duties entrusted to him/her, he/she presents the position of the p.c.m. in international and national forums. The above tasks are carried out in cooperation with the competent authorities of the government administration and the EAC, which are also obliged to cooperate and support him/her. The genesis of the role of the secretary of state for European affairs should be sought in 1996 in the structure of the then-formed Committee for the European Integration, which was

the main body of the Polish administration in terms of coordination and programming of Poland's integration policy with the EU, consisted of a president, usually the p.c.m., members – selected ministers and the secretary who was the head of the Office. The Committee carried out its tasks through the Office of the Committee for European Integration. In 2009, the Committee for European Integration was cancelled and replaced by the European Affairs Committee. [T. Kownacki]

SEJM – the lower chamber of Polish Parliament, together with the Senate, it executes the legislative power in the Republic of Poland. The Sejm is composed of 460 deputies, elections to the S. are universal, equal, direct and proportional and are conducted by secret ballot. The S. is elected for a 4-year term of office, but the Constitution allows shortening of the term of office (using two procedures). Candidates for deputies and senators may be nominated by political parties or voters. Every citizen having the right to vote, who, no later than on the day of the elections, has attained the age of 21 years, is eligible to be elected to the S. The Supreme Court adjudicates upon the validity of the elections to the S. The S. debates in the course of sittings which are open, but it may waive the secrecy of the debates. The S. elects from amongst its members a Marshal of the Sejm and Vice-Marshals. It appoints standing committees and may also appoint special committees and investigative committees to examine a particular matter. It controls the activities of the executive → the Council of Ministers. The S. declares, in the name of the Republic of Poland, a state of war and the conclusion of peace. It takes part in the legislative process, the right to introduce legislation belongs, among others, to deputies. The S. considers bills in the course of three readings, it passes bills by a simple majority vote, in the presence of at least half of the statutory number of deputies. A bill passed by the Sejm is submitted to the Senate by the Marshal of the Sejm, and the Senate, within 30 days of submission of the bill, may adopt it without amendment, adopt amendments or resolve upon its complete rejection. In the last two cases, the S. can reject it by an absolute majority vote in the presence of at least half of the statutory number of deputies. The Marshal of the Sejm submits an adopted bill to the President of the Republic for signature. The President of the Republic may sign the bill, he may refer it to the → Constitutional Tribunal for an adjudication upon its conformity to the Constitution, or he may refuse to sign the bill and refer it to the S. for reconsideration (so-called legislative veto). In that case, repassing of the bill requires a three-fifths majority vote in the presence of at least half of the statutory number of deputies. The President has 21 days to decide on these three options (7 days in cases of urgent bills and the state budget); once the bill is signed he orders its promulgation in the Journal of Laws of the Republic of Poland (Dziennik Ustaw). The S. also passes the bills by a simple majority vote in the presence of at least half of the statutory number of deputies. The S. also has the right to order a nationwide referendum,

which is decided by an absolute majority of votes in the presence of at least half of the statutory number of deputies. The S. also holds the creative function which consist in appointing and removing other Constitutional authorities of the state (independently or with the consent of the Senate) or their members and the enforcement of their responsibilities (examples: members of the Council of Ministers, the Constitutional Tribunal or the Tribunal of State, the President of the Supreme Audit Office, the Commissioner of Citizens' Rights, or the Children's Rights Advocate). In instances specified in the Constitution, the Sejm and the Senate sitting in joint session with the Marshal of the Sejm presiding or, in his absence, the Marshal of the Senate, act as the National Assembly. [I. Malinowska]

Literature: L. Garlicki, *Polskie prawo konstytucyjne. Zarys wykładu* [Polish constitutional law. An outline of a lecture], Warszawa 2016.

SELF-GOVERNMENT BUDGETARY INSTITUTION – a self-government unit of the public finance sector carrying out tasks for a fee and covering the costs of its operations with its own revenues. A characteristic feature of s-g.b.i. is a legal character that combines the elements of an economic entity and an entity performing → public tasks. The subject of activity of an s-g.b.i. is the provision of services of general public value to the local community (these are paid services, generally accessible, serving the specific needs of the local community). In this organisational form, only the own tasks of local-government units can be performed, among others in the field of: housing economy; roads, streets, bridges, squares and traffic organisations; waterworks and water supply; dumps; electricity and heat supply; local public transport; marketplaces and market halls; social assistance; cemeteries. S-g.b.i. is created, merged, transformed and liquidated by a decision-making body of local-government units. The basis of their financial economy is the annual financial plan including revenues, costs and other burdens, the level of current assets, the balance of receivables and liabilities at the beginning and end of the period, and the settlement with the budget of local-government units. S-g.b.i. pays to the budget of the local-government unit the surplus of working capital established at the end of the reporting period, unless the decision-making body of the local-government unit decides otherwise. In the financial plan of the s-g.b.i. there may be changes during the year when revenues and expenses higher than planned are realized. S-g.b.i. can receive subsidies from the budget of local-government units. Subsidies from the budget of local-government units cannot exceed 50% of the institution's operating costs. [T. Strąk]

Literature: E. Chojna-Duch, *Prawo finansowe. Finanse publiczne* [Financial law. Public finances], Warszawa 2017 ■ S. Owsiak, *Finanse publiczne. Współczesne ujęcie* [Public finances. Contemporary perspective], Warszawa 2017 ■ A. Wernik, *Finanse publiczne* [Public finances], Warszawa 2014.

SELF-GOVERNMENT THEORIES – attempts to answer questions regarding the essence of self-government, like: what is self-government, what constitutes its essence, how the relations between self-government bodies as local authority bodies and → government administration bodies are being shaped, what is the specificity of self-government, what is its scope of competence. Another problem is the question of determining the origin of self-government. The dispute related to it led to the formation of three theoretical schools: naturalistic, national and political theory of territorial self-government. These are not uniform concepts since their representatives, some of which may be attributed to various currents, disputed them on many occasions. One can also find in the literature opinions indicating the existence of the so-called naturalistic-national theory. Although some treat it as identical to national theory, some researchers treat it as a synthesis of the naturalistic and national theories. In the beginning, the dispute about the essence of self-government took place mostly among legal scientists. With time, researchers from other disciplines started to voice their opinions: sociology, economy or political science, which helped to include in the discussion on self-government concepts like localism, theory of rational and public choice and the concept of double state. [M. Jęczarek]

Literature: A. Bosiacki, *Od naturalizmu do etatyzmu: doktryny samorządu terytorialnego Drugiej Rzeczypospolitej 1918–1939* [From naturalism to statism: the doctrines of local government of the Second Republic of Poland, 1918–1939], Warszawa 2006 ■ G. Stoker, *Teoria samorządu i polityki lokalnej* [Theory of self-government and local politics], [in:] *Wartości podstawowe samorządu terytorialnego i demokracji lokalnej* [The basic values of local government and local democracy], ed. P. Swianiewicz, Warszawa 1997 ■ S. Wójcik, *Samorząd terytorialny w Polsce w XX wieku: myśl samorządowa, historia i współczesność* [Local government in Poland in the 20th century: local-government thought, history and modern times], Lublin 2007.

SELF-GOVERNMENTAL SEJMIK – a joint representation of all municipalities from the area of a particular voivodship, functioning in Poland in years 1990–1998, established within the scope of the first local-government reform in 1990. The creation of the sejmik was a result of the assumed vision of a single-level local government in a form of municipalities. In the opinion of the authors of the reform, it was necessary to create at the voivodship level a representation of municipalities to be a platform for contacts with government administration and agreements between municipalities in case of conflicts of interests. The delegates to the sejmiks were selected by the municipalities' councils among councillors – their number depended on the number of municipality's denizens. Sejmiks were meeting in sessions. The bodies of the sejmiks, according to the act, included the presidium (consisting of the chairman, two deputies and six members, who implemented part of its tasks between sessions) and the board of appeals acting on behalf of the sejmik and adjudicating in a three-person team on appeals against the individual administrative decisions made by the village

mayor or a town mayor in the scope of the municipality's own tasks. The number of members of the board was decided by the sejmik. The rules and mode of action of the sejmik and its bodies were set in the statute enacted by the sejmik. One can find in the literature an opinion that classifies the self-governmental sejmik as one of the institutionalized forms of governmental cooperation. From the beginning of its functioning, sejmiks were understood by the authors of the local government reform as a temporary solution which was supposed to disappear once the next levels of local government were created, which in fact happened in 1999. [M. Jęczarek]

Literature: M. Adamowicz et al., *Współpraca administracji rządowej z administracją samorządową na przykładzie funkcjonowania Komisji Wspólnej Rządu i Samorządu Terytorialnego* [Cooperation between government administration and local government administration on the example of the functioning of the Joint Commission of Government and Local Government], [in:] *Współdziałanie administracji rządowej z administracją samorządową* [Cooperation between government administration and local government administration], ed. M. Stec, Warszawa 2009 ■ J. Bartkowski, E. Nalewajko, B. Ostermann, I, Słodkowska, *Droga do samorządności terytorialnej: Polska 1989–1990* [The road to local government: Poland 1989–1990], Warszawa 2016 ■ J. Regulski, *Samorząd III Rzeczypospolitej: koncepcje i realizacje* [Local government of the Third Republic of Poland: concepts and implementation], Warszawa 2000.

SELF-TAXATION – a voluntary commitment of the residents of the municipality to transfer to its budget specific payments for public purposes, important for the inhabitants of that territorial unit, falling within the scope of tasks and competences of the municipality bodies. Proceeds from s. are optional own income of the municipality and constitute the share of residents in financing the tasks of the municipality. Decisions on s. can only be made by residents through a vote in the municipal referendum (based on the local referendum law), whereby at least 2/3 of valid votes will be cast for s., with at least 30% of eligible voters attending. In this case, all residents are subject to taxation, which makes the s. compulsory. S. has a limited time set by the target for which it was introduced – after this goal has been realized this source of financing the municipality tasks expires. S. is therefore a means of collecting revenue by the municipality for a strictly defined purpose, which makes it not a tax as defined by the tax law, but merely a way of collecting financial resources. Between 2001 and 2010, 34 referendums on self-taxation were conducted nationwide. In years 2011–2014, no one referendum on this issue has been conducted (data after www.stat.gov.pl) [A. Mirska]

Literature: M. Hyski, *Problemy samoopodatkowania się mieszkańców gminy* [Problems of self-taxation of the residents of the municipality], "Infrastruktura i Ekologia Terenów Wiejskich" 2009, no. 4 ■ W. Miemiec, K. Sawicka, M. Miemiec, *Prawo finansów publicznych sektora samorządowego* [Public finance law in the local government sector], Warszawa 2013 ■ *Zarys finansów publicznych i prawa finansowego* [An outline of public finances and financial law], ed. W. Wójtowicz, Warszawa 2014.

SEPARATE COMMISSIONS OF GOVERNMENT AND CHURCH – separate special commissions, established without mutual agreement of the parties and in violation of the provisions of the Polish Concordat of 1993. These are: the Church Concordat Committee (CCC) and the Government Concordat Committee (GCC). Concordat envisages setting up a joint commission with a detailed scope of action including the development of a system of financing ecclesiastical institutions, goods and clergy for the needs of the Catholic Church in Poland. The CCC was unilaterally appointed by the Holy See on 11th May 1998; at the same time, its competence was extended compared to what was envisaged in the Concordat, by the implementation of the provisions of the Concordat and engaging in the problems of Church-state relations. The work of the CCC is supervised by the Apostolic Nuncio in Poland, its president is appointed by the Pope. The GCC was established on 25th May 1998 in response to the action of the Holy See, it is chaired by the minister competent for foreign affairs, and is composed of officials in the rank of secretary of state. Commissions are factual entities, acting without legal basis. They work independently, but they hold joint meetings. They operated intensively in years 1998–2002; during the sessions, numerous decisions were made and discussed, as regards the content of the drafts of various executive acts to the provisions of the Concordat. They concerned, for example, the implementation of the so-called concordat marriage, qualifications required of religion teachers in public schools, the mode of obtaining legal personality by the church institutions under the Polish law. In practice, the church side often treated the sessions of the concordat commissions as an additional sphere of pressure on the government – apart from the → Joint Commission of the Government of the Republic of Poland and the Conference of the Polish Episcopate. [B. Górowska]

Literature: W. Adamczewski, *Prace Komisji Konkordatowych* [Works of the Concordat Commissions], [in:] *Prawo wyznaniowe w systemie prawa polskiego: materiały I Ogólnopolskiego Sympozjum Prawa Wyznaniowego* [Religious law in the system of Polish law: materials of the 1st National Symposium on Religious Law], ed. A. Mezglewski, Lublin 2004 ■ B. Górowska, *Realizacja konkordatu polskiego w latach 1998–2008* [Implementation of the Polish Concordat in 1998–2008], [in:] *Dziesięć lat polskiego konkordatu* [Ten years of the Polish Concordat], ed. C. Janik, P. Borecki, Warszawa 2009.

SEPARATION OF POLITICS AND ADMINISTRATION – in contemporary democracies, the political sphere is separated from the administrative sphere, or at least attempts to be separated from it, as distinct, governed by special rules related to the fact that politics is a field of struggle for power controlled by political parties with different programmes. This power is exercised on behalf of the majority by the administration consisting of persons holding political and decision-making positions, which are filled by the winning political parties, and by persons in executive positions whose relationship with politics may vary (depending on the adopted solutions in particular country) – from full objectivity

and political neutrality up to full partisanship and lack of political neutrality. It is accepted (though in different countries to varying degrees) that a certain number of strictly political positions is necessary for the implementation of political programmes. Due to the fact that within contemporary public administration the political and party factors blend with the professional official factor, the issue of political neutrality as a postulate that the state apparatus should not be the arm of the ruling political party in its executive activities is crucial and yet difficult to solve. This is due to the fact that officials should loyally implement the political programme of the government which holds electoral legitimacy, and at the same time they should be the institutional memory of the state that cannot be reduced to the ruling political party, and should guarantee equal treatment of citizens, regardless of their political views. The ban on the membership of officials in political parties (not everywhere applied) is not the only means of securing the political neutrality of public administration. A different approach is to formulate the principle of political neutrality of the civil service in the form of specific orders and prohibitions (catalogue of duties) regarding the conduct of an official, not only referring to the issue of the party affiliation of an official. Models of separation of politics from public administration can vary: 1. civil service constituting a permanent core of administrative institutions and concentration of ministerial advisors in political cabinets; 2. recognition of the highest administrative positions (deputy ministers, senior public managers) as political or subject to political criteria; 3. establishing the civil position of a "non-political" deputy minister; 4. providing political parties and ministers with a percentage share in filling posts in the administration; 5. indication of positions that are filled by omitting the political factor or its impact defined in law (competitions, recruitment through the so-called headhunting companies, internal promotions within the civil service). (→ political neutrality, civil service) [D. Długosz]

Literature: B. Kudrycka, *Neutralność polityczna* [Political neutrality], Warszawa 1998 ■ B. Page, *Political Authority and Bureaucratic Power. A Comparative Analysis*, New York 1992 ■ B.G. Peters, *Administracja w systemie politycznym* [Administration in political system], Warszawa 1999.

SERVICE CENTRE FOR GOVERNMENT ADMINISTRATION (SCGA) (Polish: Centrum Obsługi Administracji Rządowej – COAR; formerly Centrum Usług Wspólnych) – an institution of the budgetary economy of the Chancellery of the President of the Council of Minister (CPCM) responsible for the comprehensive service of the CPCM, in operation since 2011. The unit acts as a central contracting authority for government administration units and performs a range of central government support services, including tasks related with asset management. The function of the founding body for SCGA is held by the head of the Chancellery of the President of the Council of Ministers. SCGA's core business activities include: services, supplies and construction works for the CRCM, carried out to ensure the performance of public tasks by the CPCM in

the following areas: 1. managing, governing and administering of property, providing administrative, economic and technical services, including system and ICT network administration, including the network to process classified information, investments and repairs, public procurement, publishing and printing, meeting the housing needs of people in top management positions and other authorized persons, providing a training and conference base for the government and governmental administration, and in the scope unused for the training-conference purposes providing holiday services (except that the training and conferencing services will be the dominant scope of activity within the budget year); 2. financing or co-financing of fixed assets under construction, purchase of fixed assets and repairs; 3. conducting joint or central public procurement in accordance with the law on public procurement and the provision of common services resulting from these contracts. SCGA may also conduct activities for entities other than the CPCM as the so-called additional activity. SCGA activity is payable. [K. Mroczka]

Literature: Website of the Service Centre for Government Administration, [online] http://centrum.gov.pl/tag/coar/ [access: September 2017].

SEXUAL HARASSMENT – a particular form of discrimination based on sex, consisting of socially unacceptable, unethical behaviour of a sexual nature that is detrimental to the dignity of a person who is harassed or creating an atmosphere of intimidation, humiliation or enmity. S.h. is a type of violence that occurs in the form of unwanted physical contact, verbal or/and nonverbal sexual violence. A factor determining the recognition of a behaviour as s.h. is the lack of consent of the harassed person for the specific behaviour. The objection expressed by the harassed person must be clear and firm, without leaving any doubt that the behaviour is unacceptable and inappropriate in the mind of the harassed person. S.h. is one of the pathologies in the work environment that negatively affects the physical and mental health of the victim and the organisation. Sexual violence creates a bad atmosphere of work, creates unfriendly, intimidating working conditions, creates unhealthy relationships between employees and negatively affects the image of the individual. Catharine MacKinnon distinguishes two types of s.h. in terms of employment: "something for something" and "hostile working environment". S.h. of the "something for something" type occurs when individual submission or rejection of sexual provocation or sexual conduct is used as a basis for making a decision about employment or if submission to such behaviour determines the time or conditions of employment. The reason for submitting to s.h. at work may be fear of financial losses. "Hostile work environment" occurs when unwanted sexual conduct interferes with performance of work or creates an intimidating or aggressive atmosphere, even if harassment does not lead to material or economic consequences – loss of pay or promotion. S.h. became recognizable to the public relatively late, only in the 1970s, due to a court case that ended with the US Supreme Court ruling in 1986. For many

years the issue of s.h. was only linked with the behaviour of men against women, and today one can distinguish the phenomenon of s.h. between people of different sexes and between people of the same sex. S.h. in the work environment can be restricted through anti-discrimination education and the introduction of anti-discrimination policies and procedures. S.h. is defined in the so-called anti-discrimination law (in the framework of implementation of the EU rules on equal treatment) and in the labour law. Regulations include the so-called transferred burden of proof, which implies that the victim is obliged to provide evidence for the breach of the principle of equal treatment and the organisation where the irregularity took place is obliged to prove that there has been no breach of the principle of equal treatment. [J. Itrich-Drabarek, A. Komar]

Literature: J. Marciniak, *Mobbing, dyskryminacja, molestowanie. Przeciwdziałanie w praktyce* [Mobbing, discrimination, harassment. Counteracting in practice], Warszawa 2015 ■ M.-F. Hirigoyen, *Molestowanie w pracy* [Harassment at work], Poznań 2003.

SILENCE OF PUBLIC ADMINISTRATION'S BODIES – (silence of administration) relates only to matters specified in the specific provisions, is a specific → administrative proceedings: if, after expiry of the time limit provided by law, the body has not issued a decision or a decision terminating the case, it is considered that the case has been settled by the silence of administration – depending on the design adopted in the administrative law, it may mean issuing a positive decision (positive silence) or a negative decision (negative silence) by the body. A positive decision (positive s.) is the same as accepting the request of a party in all its demands. On the other hand, the negative decision consists in the fact that the s. of the administrative body, in the course of a silent settlement of the case, is treated equally with the substantive refusal of the case (fiction of a negative decision). The construction of the fiction of the negative decision occurs, for example, in the French legal order. The rule adopted in that order is that the expiry of four months after the application means a negative decision, which is subject to a complaint to the administrative court. The concept of a fiction of a positive decision is present, among others, in Germany, Italy, Spain. In Poland, an example of this concept is the general regulation contained in the Code of Administrative Proceedings introducing the institution of "silent completion of proceedings" and "tacit consent". For example, the Act on the Organisation and Operation of Cultural Activities states that a negative decision should be served on an entity that has notified the competent public administration body of the date and place of such event, within 14 days of the date of the notification. Failure to make a decision within the above time period means acceptance of the event. [E. Sękowska-Grodzicka]

Literature: W. Bochenek, *Bezczynność a milczenie organu administracji publicznej* [Inactivity and silence of a public administration body], "Samorząd Terytorialny" 2003, no. 12 ■ P. Dobosz, *Milczenie i bezczynność w prawie administracyjnym* [Silence and inactivity in administrative law], Warszawa 2011.

SIMPLE ASSOCIATION – it is a simplified legal form of organising citizens (→ association). It requires three members – adult citizens with Polish citizenship and enjoying full public rights. The founding members can only be natural persons who submit an application for entering the a. into the register of ordinary associations kept in the starost office or city office relevant for the location of the a. The bases of functioning of the s.a. are specified in the regulations, containing information on: name, objective(s) of the activity and means of operation, seat and area of operation, method of acquisition and loss of membership, rules for selection of a representative or management board (in that case it specifies the mode of appointment/dismissal, competence, representation method and conditions determining the validity of the adopted resolutions), the rules of amending the regulations and the rules regarding termination. In addition, the regulations may contain information about the sources of financing of the conducted activity. S.a. must obtain REGON and NIP numbers and keep current accounts, prepare annual financial statements for its activities and submit them to the appropriate tax office. In terms of compliance with legal provisions and regulations, the s.a. is supervised by the starost/president of the city. S.a. has no legal personality, cannot create branch offices, join in association unions, associate legal entities, run a business and paid public benefit activities. S.a. has the capacity to perform legal actions, may incur obligations, acquire rights and be a party to legal proceedings. It can also – after fulfilling the legal conditions – get the status of a → public benefit organisation, and also transform into a → register association. To obtain the status of public benefit organisation s.a. cannot act only on behalf of its own members. (→ non-governmental organisation; public benefit organisation) [A. Bejma]

Literature: E. Hadrowicz, *Prawo o stowarzyszeniach*. *Komentarz* [Law on associations. A commentary], Warszawa 2016.

SIMPLIFIED ADMINISTRATIVE PROCEEDINGS – a type of → administrative procedure designed to limit the formalism of evidential procedure, quick handling of cases and wide availability of the procedure for various entities. The subject of examination in the s.a.p. can include uncomplicated cases in terms of facts and law, and their nature is generally defined in specific provisions. The procedures of simplified proceedings were introduced in Poland in the Code of Administrative Procedure and other procedural acts – tax law or the law on administrative enforcement proceedings. Settlement of the case in the s.a.p. should be immediate, no later than within one month from the date of the initiation of the proceedings. A characteristic of the s.a.p. is the limiting of the evidential procedure to the evidence reported by the party at the time of the initiation of proceedings. In s.a.p. a party may submit an application or by using the ready-made official form, either electronically or on paper that is available in the office, or by preparing the application by oneself. In cases recognized in the s.a.p. regulations on silent settlement (→ silence of public administration)

are applied. However, if during the pending s.a.p. the party will indicate new circumstances relevant for the outcome of the proceedings, and their inclusion will lead to its extension, then the public administration body will continue the proceedings in the ordinary procedure (rather than simplified), and will immediately notify the party about it. The simplified mode outside Poland is applied in administrative proceedings also in Germany, France, the Netherlands, Sweden, Croatia, Greece, the Czech Republic, Italy or the USA. It mainly involves limiting the number of stages of proceedings, reducing the time limits for resolving a case, prohibiting the request of unnecessary certificates, or simplifying evidence procedures. [E. Sękowska-Grodzicka]

Literature: Z. Kmieciak, *Koncepcja trybu uproszczonego w postępowaniu administracyjnym* [The concept of simplified mode in administrative proceedings], "Państwo i Prawo" 2014, no. 8.

SOCIAL ASSISTANCE – the oldest social security branch whose purpose is to guarantee a fair standard of living for citizens. In the past s.a. focused on caring for the poor and then on welfare. S.a. is also an institution part of the state's social policy, which is to enable individuals and families to overcome critical life situations (such as poverty, orphanage, homelessness, disability, addiction, natural disaster). Its purpose is to support individuals and families in satisfying basic needs and to ensure dignified living conditions, followed by self-independence and integration with the environment. There are various forms of s.a. – e.g. payment of benefits, social work, organization of social infrastructure. Non-cash benefits include, for example, food, tickets, health or social insurance contributions, shelter, clothing; and cash benefits include, for example, permanent, periodic, a special-purpose allowance, allowance and loan for economic independence.

S.a. is organized by government and self-government administration, in cooperation with non-governmental organizations, the Catholic Church, other churches, natural and legal persons. [P. Hut]

Literature: J. Auleytner, *Polityka społeczna w Polsce i w świecie* [Social policy in Poland and in the world], Warsaw 2011 ■ *Nauka o polityce społecznej. Wybrane problemy teorii i praktyki* [Science about social policy. Selected problems of theory and practice], edited by J. Auleytner, Warsaw 1990.

SOCIAL CONSULTATIONS – a process in which representatives of public authorities (government, local government) present their intentions to citizens, social and professional organisations concerning, for example, legal acts (their amendments or adoptions of new ones), investments or other projects that will affect the daily life of citizens . S.c. are not limited to presenting these plans, but also to hearing opinions, modifying them and informing about the final decision. S.c. as a form of participation is a way of getting opinions, positions, proposals, etc. from institutions and people who in some way, directly or indirectly,

will be affected by the effects of actions proposed by the public administration. The basis for conducting the s.c. in the local government are provisions of acts on the local-government system and on public benefit and voluntary work. The rules and procedures for conducting consultations with residents are set out in the resolutions of the councils of relevant local-government units (municipalities, cities, counties, voivodships). The rules for consulting the draft local law acts with non-governmental organisations must be obligatorily included in the relevant resolution of the decision-making body of a local-government unit. The basis for conducting the s.c. in the government are provisions of acts on government administration actions, on the council of ministers and on trade unions and on employers' organisations. The general wording of the legal basis for s.c. allows to use various methods in a relatively flexible way, for example: public meetings, submission of written comments, public hearings, appointment of local consultative bodies. [S. Mazur]

Literature: D. Długosz, J.J. Wygnański, *Obywatele współdecydują. Przewodnik po partycypacji społecznej* [Citizens co-decide. A guide to social participation], Warszawa 2005 ■ *Jak prowadzić konsultacje społeczne w samorządach? Zasady i najlepsze praktyki współpracy samorządów z przedstawicielami społeczności lokalnych: przewodnik dla samorządowców* [How to conduct public consultations in local governments? Principles and best practices of cooperation between local governments and representatives of local communities: a guide for local government officials], ed. A. Ferens, Warszawa 2010 ■ R. Marchaj, *Samorządowe konsultacje społeczne* [Local government social consultations], Warszawa 2016.

SOCIAL COUNCILS – consultative and advisory bodies of the entity that created them. Creating s.c. may be obligatory or optional. S.c. have different character, different competences. Most often they are created on the basis of statutory provisions or ordinances of a competent public administration body, issued on the basis of statutory authorization (on the initiative of the authorities) or as a result of a bottom-up application of citizens. S.c. operates in accordance with the rules laid down in the statute and/or regulations specifying rules of appointment, composition, duration of the term of office and tasks, frequency of convening meetings, mode of work and adoption of resolutions. S.c. consist of officials, experts, representatives of non-governmental organisations and citizens – as a rule, these should be people who have knowledge or experience in the subject matter (scope of matters) of a given body's activities. S.c. organise and initiate activities within the scope of the council's work, discuss specific document projects. They can deal with a specific problem, for example concerning seniors, economic development or social dialogue. The catalogue of the most popular s.c. at the local level includes, among others: senior councils, youth councils, public benefit councils, alcohol problem solving commissions. [E. Szulc-Wałecka]

Literature: *Podręcznik zarządzania partycypacyjnego* [Participatory management manual], Fundacja Inicjatyw Menadżerskich, Lublin 2013.

SOCIAL PARTICIPATION – means involvement of citizens in collective actions for the community to which they belong or in whose life they engage. This type of p. is most often identified with involvement in the non-governmental sphere, i.e. the process of formation and functioning of civic groups and → non-governmental organisations. S.p. in a broad sense refers to the idea of a civil society, whose members voluntarily take part in public activities, in various forms, also through permanent or occasional acting as a volunteer. In the narrower sense s.p. means the cooperation of local government (municipality, county, voivodship) and residents – members of the → local community, which serves to undertake activities for local development. The essence of s.p. is reflected by predispositions of the local community to engage. The activity of members of the local community is characterised by grass-roots and voluntary organisation in order to undertake joint activities for the benefit of the group they create. S.p. can also be understood as a process in which representatives of the public influence the decisions of public authorities that have a direct or indirect influence on their interests. (→ participatory governance; local initiative; participatory democracy) [E. Szulc-Wałecka]

Literature: *Komunikacja i partycypacja społeczna* [Communication and social participation], ed. J. Hausner, Kraków 1999 ■ K. Ostaszewski, *Partycypacja społeczna w procesie podejmowania rozstrzygnięć w administracji publicznej* [Social participation in the process of making decisions in public administration], Lublin 2013 ■ *Partycypacja publiczna. O uczestnictwie obywateli w życiu wspólnoty lokalnej* [Public participation. On participation of citizens in the life of the local community], ed. A. Olech, Warszawa 2011.

SOVIET MODEL OF ADMINISTRATION – the essence of the Soviet model is administering every area of social life, beginning with the economy, through social life, up to culture and the education system. The model evolved over 70 years of its existence – from the revolutionary situation and wartime communism, through totalitarianism (1930s to 1950s), to the authoritarian system with totalitarian elements (different degrees in different countries). It is necessary to distinguish between the declared principles and the actual principles of functioning of administration in the real socialism system. The former include such principles as the participation of masses in government, democratic centralism, and socialist law. In practice, these principles took the form of a lack of democracy or a socialist democracy controlled by the communist party (a non-alternative vote within the national fronts), centralisation, → police state. The centre of political and executive power in this system was not the government, but the political office being the equivalent of the cabinet in the parliamentary system. This administration was centralised and subjected to parallel control of the communist party apparatus at each level (→ steering role of the party towards administration). The structural principle of the real socialism countries – uniform state power – contradicted the principle of the division of powers, since there was the supremacy of the parliament under strict control of the communist

party (through a predetermined percentage of seats for the communist party in the parliament, party guidelines and party discipline, the ability to dismiss a deputy). The real socialism countries basically did not know the institution of a vote of confidence/no-confidence in the understanding of democratic states. The government was usually referred to as the supreme executive and management body, which in fact rendered its real position. It was the executive body in relation to the party, the parliament and the head of state and the managing body in relation to the administration. Each ministry was a vertically organised administrative empire, with numerous units administering social life in a given department of administration. The position of ministers did not result solely from the position occupied in the government structures, but above all from the simultaneous positions in the party structures, above all in the political office. One of the features of the central authority was also a highly advanced industry – during the reign of Leonid Brezhnev (1984), USSR had 59 ministries and 22 state committees of a ministerial nature (e.g. KGB, planning committee, price committee, etc.). In the Soviet administration system, despite of the existence of a bureaucratic organisation, there was no → civil service as understood by Western democracies. At every level of administration an important role was played by socio-economic planning, which in terms of nationalization of the majority of national assets meant bureaucratic planning. Economic ministries directly supervised the companies and constituted a "state within the state". This kind of organisation was one of the main causes of inertia and stagnation in the system of real socialism.

In the area of local authority, the Soviet system abolished → local government as understood by Western democracies. "All power in the hands of councils" – the basic slogan of the October Revolution quickly became fictitious. The gap between theory (phraseology) and practice was obvious not only for Western scholars, but also for communist decision-makers who attempted to change this situation, but under the conditions of the undemocratic system they never succeeded. First of all, the role of the communist party, which in fact, as defined by sovietology, was the "supermayor", was undefined in the system. Political supervision by local party committees and administrative supervision by the ministries – made the self-government of councils a fictional. National councils, without their own tax base and financially dependent on the centre, did not have the possibility to pursue an independent policy. Local governments were also weak due to the fact that the local industry was subordinated to central ministries. Local institutions (schools, public utilities, cultural, etc.) were subject to the principle of nomenclature. National councils served as a link between power and society and as a tool for social mobilization (a form of studying the mood in the period of controlled election campaigns – "socialist democracy"). The councils had both decision-making and executive functions (presidium and chairman of the council), which resulted from the doctrine of uniform state power. The original feature of the administration of real socialism countries was the principle of

double subordination: to a higher-level council and to a higher-level executive body (e.g. a voivodship). The councils and their executive bodies played mainly a strictly executive role, not an initiative role (this was reserved for the party) in relation to the local community.

The mechanisms of administrative control and supervision, such as administrative courts and commissioners for citizens' rights, in general did not function – although some socialist countries had made such attempts (e.g. such a body was established in PPR in the 1980s). Institutions of state control were most often subordinated to the government or their leadership was subject to → party nomenclature, party control was of real significance. A distinctive feature of this system was the extensive application of autonomous legal acts to regulate many issues, including those that in democratic countries are subject to the law and control. A typical example of the latter in the real socialism system was drawing up joint resolutions by the constitutional and party bodies, the so-called party and state resolutions. It should be mentioned that the Soviet bloc states formally and legally had both unitary and federal character (Czechoslovakia, the Soviet Union), although the control of the Communist Party was the key factor. (→ steering role of the party towards administration) [D. Długosz]

Literature: M. Grzybowski, *Rząd w państwie socjalistycznym* [Government in a socialist state], Warszawa 1980 ■ L. Holmes, *Politics in the Communist World*, Oxford 1989 ■ R. Sakwa, *Soviet Politics in Perspective*, London–New York 1998.

SPATIAL PLANNING – it is the main tool for creating spatial policy. It is a comprehensive activity aimed at the proper development of individual areas of the country in such a way that this development best meets the human needs and at the same time takes into account mutual interests between regions and throughout the country. S.p. is carried out most often on three levels of social development – the municipality/city, region and country. Nowadays, within the framework of international cooperation (e.g., within the EU) the planning is extended to the supranational level. As the complexity of social and economic conditions increases, the scale of difficulties in reconciling and harmonizing the interests of various entities increases. S.p. may take the form of the location of new industrial centres or the transformation of already existing buildings, taking into account the existing infrastructure. S.p. is performed most often by teams composed of various specialists (e.g., architects, economists, urban planners). [E. Zielińska]

Literature: A. Karwińska, *Gospodarka przestrzenna, uwarunkowania społeczno-kulturowe* [Spatial economy, socio-cultural conditioning], Warszawa 2008.

SPECIAL ADMINISTRATION – one of the forms of the → government administration in the field, in a form of a separate administrative apparatus with special competence, which is not subordinate to a formal representative of government administration in a given unit of territorial-administrative division

(so-called administrative body with general competence) and local government, which is why it can be characterized as unincorporated administration. The main criterion of separation of s.a. is a clearly defined scope of tasks of expertise and technical character that would be difficult to incorporate within the body with general competence, like for example mining, maritime or customs administration. In literature, one can find opinions that indicate that the motives for creating the special administration result from the willingness to preserve the administrative authority of the clerical apparatus, which, according to the theory of public choice, in order to take care of its own interests, aims at increasing the budget and tasks, which results in the growth of administration. [M. Jęczarek]

Literature: E. Knosala, *Organizacja administracji publicznej: studium z nauki administracji i prawa administracyjnego* [The organisation of public administration: a study of administration science and administrative law], Sosnowiec 2005 ■ H. Izdebski, M. Kulesza, *Administracja publiczna: zagadnienia ogólne* [Public administration: general issues], Warszawa 2004 ■ M. Jełowicki, *Organy administracji specjalnej* [Special administration bodies], Warszawa 1990.

SPECIAL ECONOMIC ZONE – administratively separated part of the territory of the state, intended for conducting business activity on preferential terms (e.g., tax exemptions, trade facilitation, special staff regulations). Another advantage is that an investor can start his activity in specially prepared territory with utilities. Investments in s.e.z. can contribute to: accelerated economic development of regions, the development and use of new technical and technological solutions in the state economy, reduction of unemployment, creation of new jobs, improvement of management of post-industrial property and infrastructure, and – in the long-term – improvement of competitiveness of the economy of the state that established the s.e.z. The disadvantages of the investments in the s.e.z. include: administrative fees (e.g., zone fee to cover the costs of the zone management bodies), reporting obligations and additional fiscal controls (e.g., verification of business activities in the context of compliance with the concession rules in force in the zone), limits on the types of activities to be run in the zone (to those proposed by the state), increased costs of buying land and real estate in the zone (compared with the market prices outside the zone). Permissions for conducting business activity in s.e.z. are issued by the relevant zone administrations (e.g., a company that manages the s.e.z.). These bodies are also entrusted with assisting investors by facilitating contacts with local authorities or central administration (e.g., in the purchase of land for investment, post-investment care). Today's s.e.z. appeared in the 1950s (Shannon in Ireland, 1959). Currently s.e.z. are present, among others, in Poland, in Ukraine, and in China. [K. Tomaszewski]

Literature: A. Ambroziak, *Income Tax Exemption as a Regional State Aid in Special Economic Zones and Its Impact upon Development of Polish Districts*, "Oeconomia Copernicana" 2016, no. 7(2) ■ *Economic Zones, Progress, Emerging Challenges and Future*

Directions, ed. T. Farole, G. Akinci, Washington D.C. 2011 ■ *Studies on China's Special Economic Zones*, ed. Y. Yuan, Singapore 2017.

SPECIAL SELF-GOVERNMENT – public-law associations of a compulsory nature, whose competences include a specific sphere of professional, economic, cultural, religious activity or nationality of a certain category of persons. These associations carry out, in an authoritative way, on a par with the bodies of local government, the decentralized part of the state administration. S.s.g. is sometimes referred to as non-territorial self-government, but this is not a strict concept, since each unit of non-territorial self-government also extends its authority to a certain area. This is not a criterion for separating a particular self-government entity, but an important element rationalizing its functioning – it is therefore more precise to use the term s.s.g. As for the s.s.g., change of profession, sphere of business activity or religion, which is mainly a consequence of the will of the individual, gives the basis for the withdrawal from a particular self-government association. A membership in s.s.g. is therefore compulsory only in the event of certain circumstances with which the law joins the obligation to join such an association. The scope of activities of s.s.g. depends on the quality of the decentralization processes, the level of economic and cultural development of the country, and above all on the government structure of a given state. The s.s.g. consists mainly in associations of economic self-government (e.g., chambers of industry and commerce, agriculture chambers, chambers of crafts), associations of professional self-government (e.g., bar associations, medical chambers, pharmacy chambers), but also associations of religious self-government and associations of minorities' self-government. The functioning of self-government in the aforementioned areas is a measure of the democratisation of state structures and the desire to increase the level of civic participation. [R. Kmieciak]

Literature: Z. Grelowski, *Samorząd specjalny – gospodarczy, zawodowy, wyznaniowy według obowiązujących ustaw w Polsce* [Special self-government – economic, professional, religious according to the applicable laws in Poland], Katowice 1947 ■ S. Wykrętowicz, *Samorząd akademicki a wolność nauki* [Academic self-government and the freedom of science], [in:] *Ekonomia* [Economics], ed. B. Borkowska, G. Wrzeszcz-Kamińska, Wrocław 2006.

SPECIAL SERVICES – part of state institutions responsible for external and internal security of the state. In the traditional sense, sp.s. carried out intelligence and counterintelligence activities. Currently, the subject scope of sp.s. activities is very wide and specialised. Sp.s. may be described by the following properties: the object of their actions are matters of internal and external security of the state and protection of the current constitutional order; the basic form of action is information activity aimed at secret acquisition, collection, processing and verification of information essential for state security; their information activities consist of operational-intelligence and analytical activities;

investigative activity is a complementary function, especially in the field of counterintelligence. Due to their organisational location and professional character, sp.s. are divided into civil and military. On the other hand, within this division one can distinguish counterintelligence and intelligence services. The latter are authorized to operate outside the country. In Poland, according to the applicable law, there are five sp.s.: three civilian – the Internal Security Agency (ISA), the Intelligence Agency (IA), the Central Anticorruption Bureau (CAB) – and two military services – the Military Counterintelligence Service and the Military Intelligence Service. ISA is responsible for protecting the internal security of the state and the constitutional order. In turn, the IA is responsible for the protection of external security of the country. The CAB is, however, a specialised civilian sp.s. dedicated to combat corruption in public and economic life, in particular in state and local government institutions, as well as to combat activities that undermine the economic interests of the state. The heads of the civilian sp.s. are central government administration bodies subordinate directly to the president of the Council of Ministers. Military sp.s. deal with matters of protection against external (military intelligence) and internal threats (military counterintelligence) to state defence, security and combat capability of the Polish Armed Forces. The heads of both military sp.s. are central government administration bodies in the legal and political system, however, they are subject to the minister competent for national defence matters. In Poland, there are also entities with powers within the scope of operational activities, which in accordance with the law are not classified as sp.s. These are the Customs and Tax Service and the Central Bureau of Investigation of the Police.

In democratic countries, the activities of the sp.s. are under control of: the parliament (the Sejm's Special Services Committee), state control and law protection bodies (Supreme Audit Office, Commissioner for Citizens' Rights) and central executive bodies (the president of the Council of Ministers, the minister coordinator of special services and the Collegium for Secret Services). [A. Misiuk]

Literature: A. Misiuk, *Administracja bezpieczeństwa i porządku publicznego. Zagadnienia prawno-organizacyjne* [Administration of security and public order. Legal and organisational issues], Warszawa 2008.

STAKEHOLDER – an entity (person, organisation, institution) that can influence the organisation and who is influenced by its activities. In management, one can distinguish an organisation's internal s. and external s. operating in its socio-political environment. The concept of a s. is used in → strategic management and project management as well as in → public management. An important element is that the activity of the s. can have a significant impact on the goals that the public institution assumes (success, failure). In the case of public management, various kinds of → interest groups, local communities, social groups and single citizens can be considered as s. The analysis of s., their interests,

motivations and strategies, usually referred to as s. mapping, is an important element of public management. In addition to s. mapping, active communication with s., persuading them to the position of a public institution and taking their positions into account in working out the final solutions is important for achieving public administration goals. S. may also be of great importance in the implementation of public undertakings and may participate in the assessment (evaluation) of public activities. When it comes to public administration s., they often have certain rights indicated by legal provisions to being consulted with or agreeing on projects of public administration activities (→ public consultations). They also influence the image of public institutions by disseminating opinions on the quality of their work. S. mapping takes into account, first and foremost, the degree of their impact (low, high) on institutions and the degree of interest (low, high) in success/failure of the institution. [D. Długosz]

Literature: R. Tyszkiewicz, *Zarządzanie relacjami z interesariuszami organizacji* [Management of relations with stakeholders of an organisation], Warszawa 2017 ■ *Wykorzystanie analizy interesariuszy w zarządzaniu organizacją zdrowotną* [The use of stakeholder analysis in the management of a health organisation], ed. A. Frączkiewicz-Wronka, Katowice 2013

STAROST (Polish *starosta*) – a member of the → county board (c.b.) – the collegiate executive body in the district, heading the board, elected by the county council. This office is not counted as a district body (these are: county council and county board). S. has the authority of the county body when he/she issues decisions in individual cases within the scope of public administration belonging to the jurisdiction of the county. The competencies of the starost encompass the organisation of work of the c.b. and the county office, including: convening meetings of the b., preparation of materials necessary for the b. meetings, technical support for the b. meetings, and other matters considered necessary by the c.b.; organising the work of the county office – fulfilling the duties of the head of the office. In addition, the s. is responsible for: directing current affairs of the county (the list of related tasks should be detailed in the county statute); representing the c. outside, both in relations with other local government units, government administration, and in dealing with relevant local and regional authorities of other countries; taking necessary actions belonging to the properties of the c.b. in urgent matters: related to the threat to public interest, directly threatening health and life, and on matters likely to cause material losses. Within the scope of crisis management, the tasks include the management of activities related to monitoring, planning, response and removal of hazard effects in the county area; implementation of civilian planning tasks and implementation of critical infrastructure protection tasks. [J. Wojnicki]

Literature: B. Dolnicki, *Samorząd terytorialny* [Local government], Warszawa 2016 ■ K. Koc, *Powiat; przestrzeń władzy publicznej* [County; the space of public

authority], Toruń 2013 ■ E. Nowacka, *Polski samorząd terytorialny* [Polish local government], Warszawa 2005.

STATE ADMINISTRATION – in a subjective sense the state administration is a term covering the whole administrative apparatus of the state within which one can distinguish: → government administration subordinate to the government (e.g., ministries, voivodship offices), and also agencies that have an independent position in the sphere of public law that operate outside the sphere of government administration (like for example the National Broadcasting Council) and segments of administration that provide services to other state authority bodies, like for example the Chancellery of the Sejm and the Chancellery of the Senate, the Chancellery of the President of the Republic of Poland, the Office of the Commissioner for Citizens' Rights . In an objective sense, the national administration should be understood as an instrumentarium that serves, on the basis of legal regulations, to realize goals through actions of managerial and organisational nature. The reason for its existence is service resulting from its sheer name (Latin *ministrare* means to serve, to attend). Moreover, its political character can be observed through the actions on behalf of the state and to the state's account which is never politically neutral (state bodies are responsible for the implementation of policies resulting from the political programme of the ruling majority). Officials employed in this sector are subject to separate official pragmatics, they do not belong to the → civil service corps. (→ public administration, official) [M. Jęczarek]

Literature: H. Izdebski, M. Kulesza, *Administracja publiczna, zagadnienia ogólne* [Public administration: general issues], Warszawa 2004 ■ M. Kulesza, D. Sześciło, *Polityka administracyjna i zarządzanie publiczne* [Administrative policy and public management], Warszawa 2013 ■ P.J. Suwaj, *Pojęcie administracji publicznej* [The notion of public administration], [in:] *Nauka administracji* [Theory of administration], ed. B. Kudrycka, B.G. Peters, P.J. Suwaj, Warszawa 2009.

STATE AGENCY FOR THE PREVENTION OF ALCOHOL-RELATED PROBLEMS (SAPARP) – government agency responsible for initiating and improving actions regarding preventing and solving drug-related problems in Poland as well as assisting and cooperating with → non-governmental organisations and local-government administration, legally obliged to implement preventive and recovery programmes in local communities. It is a budgetary entity financed by the budget of the minister competent for health. SAPARP is acting within the scope of: 1. prevention – working out standards of services and implementing new methods of solving alcohol-related problems, 2. rehabilitation treatment – initiating, coordinating and supervising, 3. informational and educational activities, 4. international cooperation with organisations and institutions dealing with preventing alcohol-related problems, 5. conducting research, preparing reports,

analyses and expertise regarding preventing and solving alcohol-related problems, 6. initiating drafts of legal acts and action plans of policies regarding prevention of alcohol-related problems, 7. providing substantial support to institutions, outposts and persons dealing with prevention and solving of alcohol-related problems and commissioning and financing the implementation of the tasks. SAPARP's objective is to implement and coordinate the national policy and to develop, coordinate and monitor the implementation of the → National Program for the Prevention and Solving of Alcohol-Related Problems together with the project of allocation of funds for its implementation. Most of the conducted and coordinated actions is financed in the form of grants for non-governmental organisations. SAPARP implements national prevention programmes regarding: 1. increasing accessibility and effectiveness of therapeutic help for alcoholics and their families, 2. implementing into the healthcare system methods of early diagnosis and intervention, 3. developing preventive actions in schools, families and communities regarding alcohol-related problems, 4. improving and developing psychological and sociotherapeutic help for children from families with alcohol problems, 5. developing forms and methods of preventing violence in families with alcohol problems, 6. supporting local communities in solving alcohol-related problems and counteracting drunkenness in public areas, 7. providing and supporting public education, 8. monitoring national strategy for solving alcohol-related problems and supporting regional strategies. [A. Bejma]

Literature: M.D. Głowacka, J. Zdanowska, *Zdrowie publiczne w Polsce* [Public health in Poland], Warszawa 2013.

STATE AND OFFICIAL SECRET – legal terms functioning under the system of → protection of classified information, currently not used in the legal system (abolished in 2011). The state secret was defined as a type of classified information (named on the list attached to the Act), whose unauthorized disclosure could cause a significant threat to the basic interests of the Republic of Poland regarding public order, defence, security, international or economic relations of the state. Official secret was defined as classified information that is not a state secret, obtained in connection with official activities or commissioned work, whose unauthorized disclosure could jeopardize the interest of the state, public interest or the legally protected interest of citizens or the organisational unit. [P. Potejko]

Literature: J. Larecki, *Wielki leksykon służb specjalnych świata: organizacje wywiadu, kontrwywiadu i policji politycznych świata, terminologia profesjonalna i żargon operacyjny* [A great lexicon of world special services: intelligence, counterintelligence and political world police organisations, professional terminology and operational jargon], Warszawa 2007 ■ P. Potejko, K. Mordaszewski, Cz. Rybak, A. Gryszczyńska, *Klasyfikacja podstaw prawnych obowiązku zachowania tajemnicy* [Classification of legal bases of the obligation of secrecy], [in:] *Jawność i jej ograniczenia* [Transparency and its limitations], vol. VI, *Struktura tajemnic* [The structure of secrets], ed. A. Gryszczyńska, Warszawa 2016 ■

S. Zalewski, *Ochrona informacji niejawnych. Wybrane zagadnienia bezpieczeństwa osobowego* [Protection of classified information. Selected issues of personal safety], Płock 2014.

STATE ECONOMIC COUNCIL – a temporary nationwide representation of economic life planned in the interwar period, which was intended to be established after the Sanation came to power. The works lasted from December 1926 to September 1928, and the organization was coordinated by the state factor, i.e. Kazimierz Bartel as the deputy prime minister and president of the Economic Committee of Ministers. To this end, three permanent committees were created: the Agricultural Opinion Commission, Industrial Opinion Commission and Labor Opinion Commission. The project was presented by Józef Buzek (KOR) in 1927, the concept was developed by a social factor in the opinion giving committees. Modeled on the solutions of the German Economic Council, it was to function until the establishment of the permanent → Supreme Chamber of Commerce referred to in art. 68 of the Constitution of 1921. The discussion on this council as the supreme representative of social and economic interests caused a lively and wide response in the country and abroad (including the USA), however, the project was not implemented. [A. Szustek]

Literature: A. Szustek, *Self-government – economic self-government – other types of self-government. Conceptual grid, theoretical approach and methodological issues*, Warsaw 2017 ■ A. Szustek, *Supreme Chamber of Commerce*, Warsaw 2017.

STATE SECURITY – refers to the legal and political position of the state as a form of organisation of a society that has a monopoly on creation and implementation of law on a given territory. Therefore, this concept should be considered in legal and functional terms. State of s.s. should be perceived as the possibility of its inviolable survival and free development. This is closely related to the two basic functions of the state: external and internal. In connection with this, we can distinguish two types of s.s.: external and internal. The former is closely related to military threats, intelligence activities of foreign states and conducting foreign policy and maintaining international contacts and relations with other countries and international organisations. In turn, internal s.s. will focus on ensuring security and order for citizens and ensuring constitutional order and stability of state structures. This understanding of the term s.s. has a much narrower scope than national security, as it concerns the proper and safe functioning of the most important institutions and observance of the constitutional order. S.s. can refer to threats of an external and internal nature. Their source may be other countries and international phenomena, such as international terrorism, but also social events (mass strikes) threatening the economic stability of the country and activities directed against the constitutional order.

The nature of s.s can be seriously affected by systemic, legal and social factors. It is perceived differently in a democratic state, and quite differently in an authoritarian state, let alone a totalitarian one. [A. Misiuk]

Literature: M. Czuryk, K. Dunaj, M. Karpiuk, K. Prokop, *Bezpieczeństwo państwa. Zagadnienia prawne i administracyjne* [State security. Legal and administrative issues], Olsztyn 2016.

STATE THEORY OF LOCAL GOVERNMENT – a concept originating in the second half of the 19th century on the ground of the German science. The basis of this theory was the critique of the naturalistic theory of local government. The opinion that the municipality is a creation primary to the state was rejected, since the local government in today's understanding was created *de facto* in the 19th century. It was argued that the fact that the local self-government is linked to the national structures can be evidenced by the word "self-government" originating from the German *Selbstverwaltung* (which can be translated as "independent management"), used for describing the local public administration which was not directly performed by the government structures. It was assumed that the state was created first, and the local government (as a state's product) is one of the forms of performing public administration. Thus, the municipality should not be contrasted with the state because it is a decentralized public administration, which has a basis in the provisions of the law, that is performer by local bodies independent hierarchically from other bodies and it is self-governing within the frameworks of the act of law and general legal order. It is the state that defines the scope of tasks to be entrusted to the units of local government, because the local government as a decentralized state administration cannot replace the state in areas such as financial, defence or foreign policy. In the state theory it is believed that the scope of competences of a municipality can be defined. In this context, supervision becomes an important element, which should take form of control whether the units of local government are implementing the task entrusted to them by the state. It needs to be underlined that the state theory of local government was not monolithic. Among the representative of this current there were differences in opinions on many issues – one of them was the institution of municipality's legal personality. According to J. Panejko, its legal personality could constitute the internal essence of self-government only when one recognizes that within the local government there are units separate from the state with their own superior prerogatives that do not come from the state. On the other hand, what T. Bigo understood as a self-government was the entity that comprises a group of people with legal personality. The representatives of the state theory included: Jerzy Panejko, Tadeusz Bigo, Maurycy Jaroszyński. [M. Jęczarek]

Literature: T. Bigo, *Związki publiczno-prawne w świetle ustawodawstwa polskiego* [Public-law associations in the light of the Polish legislation], Warszawa 1990 ■ J. Panejko, *Geneza i podstawy samorządu europejskiego* [Genesis and bases of the European self-government], Wilno 1934 ■ J. Staryszak, *Prawo nadzoru nad administracją samorządową w Polsce* [The right of supervision over local-government administration in Poland], Warszawa 1931.

STATEMENT – this concept has many meanings, in the administrative and legal context it means, inter alia, a type of citizen's actions in dealing with the administration. S. may refer to the confirmation of certain facts or legal status – in this case it is filed by a citizen before the administrative body in → administrative proceedings (evidence), under pain of responsibility for false statements. S. may be filed if the law does not require official confirmation of certain facts or legal status in the form of a certificate issued by an administrative body. The scope of the application of s. in the Polish administration in place of certificates has been significantly expanded by the Act of 2011 on the reduction of administrative barriers for citizens and entrepreneurs. The right of the citizen to choose between submitting a statement or presenting a certificate issued by an administration body was introduced. S. can replace, among others, certificates: about earnings, about not being in arears with payments to the tax office and ZUS, about clean criminal record. Therefore, the legislator allows the possibility of using both forms (statements and certificates) interchangeably, and the ban on the administration's request for unnecessary certificates has become a statutory prohibition. [A. Mirska]

Literature: E. Ochendowski, *Postępowanie administracyjne: ogólne, egzekucyjne i sądowoadministracyjne* [Administrative proceedings: general, enforcement and court-administrative], Toruń 2014.

STEERING ROLE OF THE PARTY TOWARDS ADMINISTRATION – the theorists of the Communist Party distinguished the following forms of implementation of the steering role of the party in relation to the administration (the state): 1. outlining by the party the programme of action for the state; 2. designating party members to managerial state positions; 3. political control of the party over the activities of the state, including through parallel party structures (departments of the central committee, voivodship committee, etc.); 4. party leadership in the state representative bodies (clubs, party teams in the parliament, national councils); 5. functioning of party organisations in public administration offices. The culmination of the steering role was the so-called constitutionalisation of the party's leadership role in the constitutions of the former Soviet bloc states beginning in the 1960s (e.g. in the Polish People's Republic (PPR) in 1976, in the USSR in 1977). These theoretical assumptions were not much different from the practice, even the party textbooks admitted, referring to Lenin's theory of the state and explaining it as representation by the party of the most progressive social class in history, i.e. the working class, and from the 1970s – the concept of the party as representation of the general public in the conditions of the disappearance of class contradictions. From the 1960s/1970s one can observe the merger of the highest party function ("gensek") with the function of the head of state (president, chairman of the supreme council/state, etc. – e.g., Leonid Brežniew, Gustaw Husak, Wojciech Jaruzelski). The importance of the party's steering role towards administration is well illustrated by the example

of ministries in communist countries, for example in the offices of ministries in the PPR the first secretary of the basic party organisation had the status of a deputy minister. (→ Soviet model of administration) [D. Długosz]

Literature: R.J. Hill, P. Frank, *Soviet Communist Party*, 3rd ed., London 1986 ■ A. Łopatka, *Kierownicza rola partii komunistycznej w stosunku do państwa socjalistycznego* [The steering role of the Communist Party in relation to the socialist state], Poznań 1963 ■ *PZPR jako machina władzy* [The Polish United Workers' Party (PUWP) as a machine of power], ed. D. Stola, K. Persak, Warszawa 2012.

STRATEGIC AUDIT – an overview of the various areas of the organisation's operation in terms of the extent to which they support the implementation of strategic objectives. This includes both support functions, i.e. the human resources area, the financial area, the logistics area, as well as the business processes. Optimization resulting from s.a. leads to the so-called strategic concentration, i.e. a situation in which all activities are focused on the implementation of the strategy. On the business processes side, the main goal of the s.a. is to ensure that the portfolio of programmes and projects supports the implementation of the organisation's long-term goals. S.a. also secures a stream of management information about the organisation's development and supports the implementation of its strategic goals. S.a. supports two key management areas: 1. it ensures that the implemented strategy meets the criteria of completeness and includes key information and determinants for the development of the organisation; 2. it verifies whether the senior and middle management team shares the strategic vision of the organisation and is actively involved in its implementation. (→ audit) [A. Niedzielski]

Literature: H. Gawroński, *Zarządzanie strategiczne w samorządach lokalnych* [Strategic management in local governments], Warszawa 2010 ■ K. Opolski, K. Waśniewski, M. Wereda, *Audyt strategiczny: szansa na poprawę pozycji rynkowej firmy* [Strategic audit: an opportunity to improve the company's market position], Warszawa 2010.

STRATEGIC MANAGEMENT – it is widely recognized that a well-structured strategy (st.) accepted by → stakeholders can be a key instrument in achieving goals, in particular in complex socio-economic and political systems, for the development of which public administration is responsible. The most important differences between the application of st.m. in the public administration sector and in the private sector are: 1. the impact of political life on the implemented st. and the mechanism of its political evaluation; 2. a wide range of st. often covering not only a narrow segment of the market, but whole industries, regions, groups of citizens or states; 3. multiplicity of → stakeholders and their interests; 4. the non-financial nature of significant governmental st. objectives; 5. different measures of success of st. There are many tools of st.m., for example SWOT, SMART, PEST, PESTER, the balanced scorecard (BSC), MAPS, methods: business plan, strategic gap, benchmarking, socio-expert, logical matrix. In recent years, the method of

a strategic scorecard in the public sector is most commonly used, because, among others, it is not limited to the financial dimension of organisation development. Irrespective of the assessment of efficacy, adequacy and effectiveness of individual methods, it should be pointed out that they usually include analyses of: environment, stakeholders, strengths and weaknesses (assets, deficits, gaps), chances (opportunities) and risks, development scenarios, consensus building around the diagnosis and objectives of the st., defining vision and mission, priorities – main goals within the priorities and specific objectives, projects implementing objectives and implementation action plans, methods of control of the implementation of the st. and its evaluation. St. may have an offensive character (using forces and opportunities), moderate (strengths and defence against threats), conservative-competitive (strengthening weaknesses by taking advantage of opportunities), or defensive character (struggle for survival of a weak individual). Another typology is the division of st. into: reactive, proactive, executive (against decisions of senior authorities), demanding, populist, marketing, based on public consensus and general interest. St. may also consist in choosing the so-called island of opportunity or niche. The key is to identify and use the public organisation's own (local, endogenous) resources, such as social capital, infrastructure, natural environment, and space. St. should have an integrative character – by integrating development concepts, stakeholder values, diagnosis, st. executive plans, site plans, budget, authorities' decisions, plans of executive units and projects. It is important to refer the st. to problems, use all possible means to achieve goals, take into account all stakeholders. In addition, it is important to indicate the choices in light of the consequences of actions, avoiding the early renunciation of many options, transparency and accountability, monitoring. An important element of a st. is its budget, i.e. the translation of long-term goals and actions into income and expenditure decisions of a public unit. It is the implementation of st. through the budgetary process. Among the instruments of st.m. one can find mainly financial instruments, operational programmes and projects. Research on public st.m. shows that the following are of key importance for the success of implemented st.: political leadership and effective managers of st.m., a limited number of well-chosen and socially accepted goals, cooperation of key stakeholders, synergy of actions on different objectives and its modification in the face of changing circumstances. The most important recommendations regarding the effective implementation of st. are: 1. specifying and transferring long-term identities, objectives and intentions; 2. matching the st. and the organisation's culture and structure; 3. translating long-term intentions into clear objectives, parameters and st. 4. launching of the st. through projects; 4. monitoring and constant adjustment; 5. transferring projects to everyday operational activities. It is important for the effectiveness of the st. to measure its results. Measuring the results of development policy effects is an important instrument of this policy. The measures should be used in accordance with the SMART method, i.e. specific (S), measurable (M), acceptable (A), real (R) and having the time-related (T) deadline

for implementation. One should strive to take into account many perspectives, and hence the perspectives of stakeholders, the budget, internal processes of the organisation and long-term development. In the case of the st. of a public unit, it is important to consider the interests of all public and non-public stakeholders. Indicators should be of an integrating nature, i.e. be related to the st. and its goals and be assigned to units responsible for achieving the result. They should measure few key areas and be clear and understandable to stakeholders. Moreover, the indicators should be standardized for the entire organisation and be balanced and adequate – by measuring various aspects of the activity and complementing each other, they should enable communicating the st. in the organisation and controlling the course of its implementation. [D. Długosz]

Literature: M. Barowicz, *Karty dokonań. Systemy sterowania strategicznego* [Scorecards. Strategic control systems], Kraków – Legionowo 2018 ■ P. Joyce, *Strategic Management in the Public Sector*, London – New York 2015 ■ R.P. Rumelt, *Dobra strategia, zła strategia: czym się różnią i jakie to ma znaczenie* [Good Strategy, Bad Strategy: The Difference and Why It Matters], przekł. M. Kowalczyk, M. Piotrowska, Warszawa 2013.

STREET LEVEL BUREAUCRATS – term meaning the type of → public functionaries who have direct contact with the citizen (first contact administration). The term is used in particular in American social sciences. The terms "first-contact officials/bureaucrats" may be found in Polish literature. This group includes primarily police officers, representatives of public social security services (social assistance officers and employment services), teachers, representatives of the state fiscal services or local government officials. S.l.b play an important role in the perception of the state by citizens. Their approach and quality of service influence the citizens' perception of the state as efficient with a pro-citizen attitude. Most citizens have contact with the state not through high level officers (prime minister, minister or president), but through everyday, repetitive relations with the officers directly implementing the state policy. Contact with s.l.b. to a large extent determines the level of trust and identification with the state. Furthermore, s.l.b. have a strong impact on the quality and scope of implementation of → public policies decided at the governmental level (the centre of the country). It is commonly believed that s.l.b. have the ability to sabotage goals that are not consistent with their perception of proper public policy or that are incompatible with corporate interests. The impact force of s.l.b. also results from the margin of discretion that is necessary in the practical exercise of public authority in the course of providing services and settling citizens' matters. Frequent lack of resources at their disposal results in the use of simplified procedures, lowering standards, bending regulations, etc., which affects the quality and scope of public services provided by them. The power of s.l.b. also results from the fact that there is a high level of unionisation in the ranks of this professional group. In general – attitudes, motivations and interests of s.l.b. are important for the daily functioning of the state and its relations with citizens. [D. Długosz]

Literature: M. Lipsky, *Street-Level Bureaucracy: Dilemmas of the Individual in Public Services*, New York 2010 ■ K. Sztandar-Sztanderska, *Obywatel spotyka państwo. O urzędach pracy jako biurokracji pierwszego kontaktu* [Citizen meets the state. Employment offices as the first-contact bureaucracy], Warszawa 2016.

STRIKE IN PUBLIC ADMINISTRATION – the right to refrain from work recognized in democratic countries with a social market economy (the right to strike and employee protests) in relation to public administration is subject – to varying degrees in different countries – to certain limitations in relation to the nature of work in this sector (continuity of the state, provision of basic public goods – such as national defence, security, justice, health care). Convention No. 151 of the International Labour Organisation on the protection of the right to organise and procedures for determining conditions of employment in public service allows the states to identify areas in which the right to strike may be restricted or suspended. However, this cannot mean, apart from strictly defined exceptions, the suspension of the essence of the right to articulate the employee interests through other procedures – for example, a collective dispute, mediation, and non-strike forms of presenting their demands (petitions, demonstrations). In practice, the states regulate the subject of strike in public administration in various ways in, allowing the use of this form of protest, but differentiating it in relation to individual departments of public administration, as well as types of positions (managerial, substantive, auxiliary). This is partly due to the adopted → civil service model. The more the system is close to the market system and the more it applies the forms of collective bargaining and does not contain restrictions on association in public administration, the more (though still with restrictions) possible it is to apply the right to strike. In turn, in countries with public regulation of labour relations in public administration the scope of the right to strike is narrower. (→ trade unions in public administration) [D. Długosz]

Literatura: Z. Hajn, *Zbiorowe prawo pracy. Zarys system* [Collective labour law. Outline of the system], Warszawa 2013 ■ *Public Service Employment Relations in Europe: Transformation, Modernization or Inertia?*, ed. S. Bach, L. Bordogna, G. Della Rocca, D. Winchester, London–New York 1999.

STRUCTURE OF THE CAPITAL CITY OF WARSAW – a statutory regulation of special character defining the structure of local government in Warsaw. Due to the size of this unit of local government and its capital functions (including as the seat of the most important state offices), the matters of the structure of the local government of the c.c. of Warsaw was defined in a special way by adopting a separate law. In the Second Polish Republic a separate law for Warsaw was adopted once, in 1938, and after 1989 four times: in 1990, 1994, 1998 and in 2002. The office of the c.c. of Warsaw results from the combination of municipal and county tasks (it is a city with county rights and the urban municipality, the largest in Poland). The city was divided into 18 auxiliary units – districts.

The decision-making and control body is the city council of the c.c. of Warsaw, and a monocratic executive body – the president of the c.c. of Warsaw. Local-government tasks are divided into city-wide and local (left at the disposal of districts). The division of tasks and competences results from the statutory regulations, local acts – the statute of the c.c. of Warsaw, and the statutes of individual districts and resolutions of competences (dividing the tasks between the capital city's local government and districts' governments). Districts have no legal personality, it is vested in the city as a whole. The city budget is a uniform resolution of the council of the c.c. of Warsaw, containing district attachments. Districts have their own self-governing bodies, they are: district council and district board. (→ municipality's auxiliary unit, district) [J. Wojnicki]

Literature: S. Faliński, *Warszawski samorząd terytorialny w latach 1990–2002: geneza, ustrój, idee ustrojowe, aktywność* [Warsaw local government in years 1990–2002: genesis, system, systemic ideas, and activity], Warszawa 2013 ■ M. Kulesza, *Budowanie samorządu* [Building local government], Warszawa 2008 ■ M. Niziołek, *Problemy ustroju aglomeracji miejskich* [Problems of the system of urban agglomerations], Warszawa 2008.

SUBSIDY – it means two financial instruments: general subsidy, transferred from the state budget to local-government units, and subsidy designated for the statutory activity of political parties (the first type will be discussed). From the point of view of the local government, sub. – apart from special subsidies and own income –are one of the three main sources of income of local-government units. A distinguishing feature of the general sub. is its obligatory, non-refundable and unpaid nature, as well as the lack of a specific purpose of the transferred funds. In other words, the unit receiving the sub. can freely dispose of it, which distinguishes this form of transfers from the state budget from special subsidies, the purpose of which is predetermined. The basic role of the general sub. is the financing of tasks of local-government units in the scope of education, and in addition, the support for economically weaker local-government units. The system of subsidizing local-government units is very complex and complicated. General sub. consists of a compensatory part (containing the basic and supplementary amount), a balancing part (for municipalities and counties) and regional (for voivodships) and the largest part – educational. Amounts allocated to each local-government unit within individual parts of the general sub. are calculated on the basis of algorithms that take into account a number of factors, such as income of local-government units from share in income taxes, population density, unemployment rate, number of inhabitants, social assistance expenditure, area of county and voivodship roads, GDP per capita, types of educational institutions, number of students, etc. In addition, based on the tax income ratio amounts are determined that the most affluent local-government units are obliged to transfer to the state budget (→ janosikowe). General sub. is a very important source of income for local-government units, and its amount is growing every year. For example – in 1999, the amount of general sub. transferred

to local-government units was just over PLN 22 billion, while in 2016 this value exceeded PLN 52 billion. The share of the sub. in the total income of local-government units is about 25%. [R. Cieślak]

Literature: E. Kornberger-Sokołowska, *Decentralizacja finansów publicznych a samodzielność finansowa jednostek samorządu terytorialnego* [Decentralisation of public finances and financial independence of local government units], Warszawa 2001 ■ E. Malinowska-Misiąg, W. Misiąg, *Finanse publiczne w Polsce* [Public finances in Poland], Warszawa 2006.

SUPERVISION – the legal and systemic category, according to Jacek Jagielski covering all the elements making up the control and giving the possibility of authoritative interference in the activities of a given entity in order to modify this activity in the direction determined by the supervisor, within the scope of his/her competences. S. is a concept broader than → control. According to Jerzy Starościak s. always includes control, but the execution of control does not have to be connected with the ability to use supervisory measures. According to Hubert Izdebski, supervision is the authority based on a statutory authorization of the supervisory body to authoritatively enter into the independent activity of the supervised body, but only on the basis of the Act: in the cases indicated therein and from the point of view of the criteria and by means described therein. According to Jagielski, s. is the right envisaged within the framework of a specific organisational arrangement by a given entity (supervising) not only to check and evaluate another entity (supervised), but also to apply binding interference in its activity (state) in order to correct it in the desired direction, consistent with the adopted benchmarks. Traditionally, two types of criteria of s. are distinguished: 1. broadly understood purposefulness, i.e. compliance with standards of sound performance in a given field as well as economy and reliability; 2. legality, i.e. compliance of the supervised activity with the law. S. has a protective function and a supporting function. The measures of s. can be divided into three groups. Firstly, these are measures of s. regarding the bodies (e.g., establishment of a receivership, dismissal of a single-person body, or dissolution of a collective body), secondly, measures of s. regarding legal acts (e.g., repeal, suspension of implementations, or approval) and – thirdly – measures of s. concerning persons (dismissal, application for dismissal, suspension of activities, appointment from among presented candidates, approval of selection). Measures of s. may be of a corrective nature, e.g., an opinion, approval, agreement, suspension of the implementation of the decision, replacement order, annulment. [J. Itrich-Drabarek]

Literature: H. Izdebski, M. Kulesza, *Administracja publiczna. Zagadnienia ogólne* [Public administration. General issues], Warszawa 2004 ■ J. Jagielski, *Kontrola administracji publicznej* [Control of public administration], Warszawa 2007 ■ J. Starościak, *Zarys nauki administracji* [Outline of the theory of administration], Warszawa 1971.

SUPERVISION OVER LOCAL GOVERNMENT – is one of control activities of the state over the local and regional government. From control activities the

supervision is distinguished by the power of authority – the possibility of repealing the legal act established by the supervised body and the dissolution of the supervised body in the case of notorious violation of the Constitution or statutes. The basic supervisory criterion for the activity of local government authorities is the legality – that is the compliance of the local government administration with the law in force. Supervision is exercised by: the → President of the Council of Ministers, → voivodes, and the → Regional Accounting Boards (RAB). The first two bodies have general supervision, while the RABs are professional (or specialized) supervisory bodies. The President of the Council of Ministers does not have the power to dissolve a local government body in the event of its violation of legal order and must refer the matter to the Sejm. Basic types of supervision: 1. exercised in relation to local legal acts and 2. in relation to the bodies of local government units. The first type of the supervision is held by the voivodes and RABs, the measures of supervision in this scope are: stopping the implementation of the act of local law; repealing the local law in part or in full and declaring negligible legal error in the act of local law. The second type of the activities is carried out by the President of the Council of Ministers and by the voivodes, they are entitled to legal remedies: the dismissal of the village mayor, the mayor and the president of the city; dissolution of the county board or the voivodship board; dissolution of the legislative body of the local government; establishment of → receivership. (→ government commissioner) [J. Wojnicki]

Literature: B. Dolnicki, *Nadzór nad samorządem terytorialnym* [Supervision over local government], Katowice 1993 ■ H. Izdebski, *Samorząd terytorialny: podstawy ustroju i działalności* [Local government: the foundations of the system and activity], Warszawa 2014 ■ J. Storczyński, *Nadzór regionalnej izby obrachunkowej nad samorządem terytorialnym* [Supervision of the regional audit chamber over the local government], Bydgoszcz 2006.

SUPREME ADMINISTRATIVE COURT (SAC, Polish NSA) – the constitutional body of the judiciary, the court of second instance in the administrative court system recognizing the cassation appeals against the judgments or decisions finalising the proceedings before the administrative court of first instance (voivodship administrative court – vac). The SAC, additionally, adopts resolutions aimed at clarifying the legal provisions whose application caused discrepancies in the jurisprudence of the vac and resolutions resolving legal issues that raise serious doubts in a particular court-administrative case. The SAC is also responsible for settling disputes over jurisdiction among local-government bodies and among local-government boards of appeals and jurisdiction disputes among the bodies of these units and government administration bodies. The means to initiate a proceeding is a cassation appeal which is bound by a mandatory representation by a lawyer (the appeal must be prepared by an attorney or a legal counsel, in tax matters also by a tax advisor, in the case of industrial property by a patent attorney). The SAC was introduced into the judicial system in 1980 as a one-instance

court with remote centres, subjected to judicial oversight by the Supreme Court. As of 1st January 2004, as a result of the introduction of two-instance administrative judiciary, the SAC functions as a court of second instance, supervising the activities of administrative courts of the first instance (vac). The SAC consists of the President of the SAC (appointed by the President of the Republic of Poland for a six-year term from among two candidates submitted by the General Assembly of the SAC judges), the SAC vice-presidents and judges. The SAC's bodies are: the president of the SAC, the general assembly of the judges of SAC and the college of the SAC. The SAC is based in Warsaw. (→ administrative judiciary) [A. Mirska]

Literature: *Polskie sądownictwo administracyjne – zarys systemu* [Polish administrative judiciary – an outline of the system], ed. Z. Kmieciak, Warszawa 2017.

SUPREME AUDIT OFFICE (SAO, Polish: NIK) **–** a constitutional supreme independent state audit body, subordinate to the Sejm and acting on the principle of collegiality. SAO audits the activities of government administration bodies, the National Bank of Poland, state legal persons and other state organisational units from the point of view of legality, sound management, purpose and reliability. It can audit the activities of the local government bodies, communal legal persons and other communal organisational units from the point of view of legality, sound management, and reliability. It can also audit, from the point of view of legality and sound management, the activities of other organisational units and business entities within the scope of their use of the state or communal assets or resources and whether they fulfil their financial obligations to the state. SAO submits to the Sejm an annual report on its activities and also the analysis of the state budget execution and monetary policy guidelines, the opinion on the → vote of approval for the government, pronouncements on results of audits, motions and announcements. By law, within the scope of the audit, SAO employees have the right to free access to the facilities and premises of the inspected units, they have the right to access to all documents, inspection, to summon and hear the witnesses and to request clarification. They also have the duty to undertake and carry out inspections on behalf of the Sejm or its bodies. SAO is headed by a president appointed by the Sejm with the consent of the Senate for six years with the possibility of single re-appointment. (→ audit) [I. Malinowska]

Literature: L. Garlicki, *Polskie prawo konstytucyjne. Zarys wykładu* [Polish constitutional law. An outline of a lecture], Warszawa 2016.

SUPREME CHAMBER OF COMMERCE – (NIG) – planned nationwide chamber of economic self-government, provided for in both pre-war constitutions, however, it was never established. The constitutional goal of → economic self-government was the cooperation of the chambers with state authorities in

managing economic life and in terms of legislative intentions. The idea of the chamber as a national representation of economic life was brought to the constitutional order by socialists (Mieczysław Niedziałkowski) and endeks (priest Kazimierz Lutosławski). Józef Buzek and Edward Dubanowicz were very active in this field. In the light of art. 68 of the Constitution of 1921, it was to be created by chambers of agriculture, commerce, industry, craft, wage labor and others. Chambers of agriculture (1928), chambers of industry and commerce (1927) and crafts (1927) were organized, however, no chambers of work were established and this was a formal obstacle to the establishment of the NIG according to the constitutional order of 1921. In the 1930s interest in the chamber's affairs weakened. In disputes over the national representation of economic interests, apart from the NIG, two other solutions appeared, i.e. the senate as (in part or in whole) the economic and professional chamber and central associations of individual types of economic self-government (e.g. the Association of Chambers of Commerce and Industry, the Association of Chamber of Crafts, Association of Agricultural Chambers and Organizations).

The NIG and the associations of the chambers were recognized by the creators of the Constitution of 1935, however it had a weaker position in these provisions than the Basic Law of 1921. Chambers of economic self-government, i.e. chambers of agriculture, industry and commerce, crafts, labor, liberal professions, and other public law associations could join the associations of the chambers (e.g. the Association of Polish Chambers of Agriculture and Organizations, the Association of Polish Chambers of Commerce and Industry) and NIG could be established next to them. According to art. 76 NIG could be appointed to consider issues related to the overall economic life, to give opinions on draft economic laws and to harmonize activities in individual branches of the national economy. The establishment of the NIG aroused keen interest of economic and professional organizations, the state factor and experts on constitutional law. Władysław Leopold Jaworski, Stanisław Kutaże, Konstanty Grzybowski. E. Dubanowicz published the full draft of the unreacted law on NIG in 1945 [A. Szustek]

Literature: A. Szustek, *Self-government – economic self-government – other types of self-government. Conceptual grid, theoretical approach and methodological issues*, Warsaw 2017 ■ A. Szustek, *Supreme Chamber of Commerce*, Warsaw 2017.

SUSTAINABLE DEVELOPMENT – a type of socio-economic development that allows to ensure an adequate standard of living for present and future generations, assuming balancing economic goals with social goals within the scope of environmental limits. For this reason, the economic activity, the activity and the shape of the institutions should be properly programmed, and the size of the population should be maintained, and the availability of natural resources, the maintenance of ecosystems and life support systems should be ensured. The concept of eco-development is related to this. This concept was created in the

second half of the 20th century and, according to it, the current economic development should not take place at the expense of resource depletion, destruction of the natural environment or deterioration of the standard of living for the next generations. At the same time, development should result in an increase in real income, improvement in the population's health status, fair access to resources and improvement of the level of education. Elements of economic, social and environmental development should be balanced so as to equalize the quality of life in various countries around the world and increase its quality, including in the underdeveloped countries, effectively fight poverty, provide access to education, health care, while rationally managing natural resources and ensuring the protection of plants, animals and ecosystem species. S.d. should have self-supporting features and be of stable and permanent character, and should balance the above-described elements. There are seven dimensions to be distinguished: ecological (maximizing economic development, environmental protection), economic (economic development while maintaining all development factors), social (possibly an even distribution of well-being), psychological (increasing quality of life), demographic (maintaining a birth rate on a stable level), spatial (rational space management, taking into account the natural environment and cultural heritage), intertemporal (ensuring satisfying the needs of future generations). [A. Jarosz]

Literature: D. Kiełczewski, *Konsumpcja a perspektywy zrównoważonego rozwoju* [Consumption and perspectives of sustainable development], Białystok 2008 ■ M. Kistowski, *Regionalny model zrównoważonego rozwoju i ochrony środowiska Polski a strategie rozwoju województw* [Regional model of sustainable development and environmental protection of Poland and development strategies of voivodships], Gdańsk – Poznań 2003 ■ D. Perło, *Modelowanie zrównoważonego rozwoju regionów* [Modelling of sustainable development of regions], Białystok 2014.

SYSTEM OF ELECTRONIC DOCUMENT MANAGEMENT (EDM) – an IT system for electronic document management allowing to perform office tasks in it, documenting the course of dealing with matters, as well as collecting and creating electronic documents. In EDM, all office activities and their documentation are carried out as part of the system, in particular the following: keeping register of incoming and outgoing mail and schedule of cases; adding decrement; making acceptance, in particular by signing electronic documents with an appropriate electronic signature, if separate regulations specify what type of electronic signature mentioned in the provisions on electronic signature is required to sign a given letter; carrying out other necessary registers or records that are possible to be implemented in the EDM system, excluding registers or records kept in specific types of IT systems other than EDM dedicated to dealing with certain types of matters; collecting all electronic documents assigned to relevant matters that are important for documenting the course of handling and resolving these matters. Modern administration uses mainly electronic documents. Documents

created within a given public administration unit (the so-called internal documents) can be immediately created in electronic form as natural electronic documents, in this form registered, processed, stored, signed and sent. However, if the client (customer) requests a paper document, then it must be printed and signed by an authorized person. EDM is also the office archive. [K. Mroczka]

Literature: *Dokumentacja elektroniczna w podmiotach publicznych: zagadnienia podstawowe* [Electronic documentation in public entities: basic issues], ed. G. Szpor, Warszawa 2013 ■ *System EZD* [The EDM System], [online] https://epodrecznik.mac.gov.pl/mediawiki/index.php?title=System_EZD [access: September 2017].

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TASK-BASED BUDGET – a public expenditure plan included in programmes or tasks (spending part) and a plan of results of implementation of programmes or tasks (efficiency part), which includes the planned products or results. The characteristic of t.b.b. is a presentation of expenses in the layout of programmes (tasks) that deal with homogeneous activities, for which goals and indicators of their implementation are defined. T.b.b. in Poland was prepared for the first time for the city of Krakow for 1997. The method of preparing the t.b.b. is called task budgeting or budget programming, where expenses are planned on the basis of the planned effects and actions required to achieve them. Preparation of t.b.b. is based on four principles constituting the so-called performance budgeting paradigm: 1. principle of transparency – an introduction of the task-based classification of expenses understandable to managers and citizens; 2. principle of efficiency and effectiveness –determination of the objectives and measures of the effects attributed to them and comparison of the effects with the expended public funds; 3 principle of long term – a multiannual projection of goals and measures of effects and expenses assigned to them; 4. principle of consolidation – consolidation of public expenses for the implementation of common goals and achieving synergy effects in management. T.b.b. is obligatorily created by units of the government subsector. T.b.b. of the state is presented in the justification to the budget act, the first one was prepared for 2008. Local-government units are not obliged to prepare the t.b.b., it is introduced as a result of the decision of the executive body, so it is only in force in relations between the executive body and its subordinate units. [T. Strąk]

Literature: *Budżet władz lokalnych* [The budget of local authorities], ed. S. Owsiak, Warszawa 2002 ■ *Kierunki modernizacji zarządzania w jednostkach samorządu terytorialnego* [Directions of modernization of management in local government units], ed. T. Lubińska, Warszawa 2011 ■ T. Strąk, *Modele dokonań jednostek sektora finansów publicznych* [Models of achievements of public finance sector entities], Warszawa 2012.

TAX ADMINISTRATION (OF PUBLIC LEVIES) – a segment of public administration responsible for raising revenues of the state budget. T.a. comprises institutions responsible for carrying out the tasks assigned – within the division into → departments of government administration – to the department of "public finances". Its scope includes matters of realization of income and expenses of the state budget. The minister responsible for public finance who is the head of the tax administration, is responsible in particular for: realization of revenues from direct and indirect taxes and fees; coordinating and organising financial, credit and payment cooperation with foreign countries, cooperating in

the development of related matters and cooperation with international financial organizations; implementing of customs regulations; cooperation in the creation of the Common Customs Tariff; financing of entities carrying out tasks covered by the state budget and financing of local government; investigating of receivables of the State Treasury; lottery games, betting and slot machines; accounting and financial auditing; foreign exchange law; balance of public sector finances and of payments forecasts; implementation of the audit conducted by the National Revenue Administration; coordination of management control and internal audit in units of the public finance sector; matters of responsibility for violating the discipline of public finances. The minister responsible for public finance is supervising the National Revenue Administration (NRA) and its head (who is in principle the deputy finance minister). Consolidated NRA consists of the following organisational units: 16 tax administration chambers, 400 tax offices, 16 customs-tax offices with 45 delegates and 143 customs branch offices. The heads of the tax administration chambers are responsible for supervising the performance of tasks by the heads of tax offices and the heads of customs-tax offices. The heads of tax offices have the competences of the heads of tax offices and heads of customs offices that were operating separately until 28th February 2017, regarding, among others, collection of taxes, duties, fees and non-fiscal budgetary receivables (and other receivables on the basis of separate regulations or administrative enforcement of monetary claims). They also provide service and support to taxpayers. The tasks of the head of the customs-tax office are, among others, customs and fiscal control, determining taxes, fees and non-fiscal budgetary receivables (and other receivables on the basis of separate regulations), or imposing customs procedures over goods. Earlier (until the end of February 2017), the field structures of services responsible for the collection of public levies were made up of three independent divisions: the tax administration (16 tax chambers and 400 tax offices); Customs Service (16 customs chambers, 45 customs offices together with 143 customs branch offices); fiscal control (16 fiscal control offices and its 8 representations of fiscal control offices). [K. Mroczka]

Literature: *Efektywna administracja skarbowa* [Effective tax administration], ed. Z. Gilowska, H. Izdebski, K. Raczkowski, Warszawa 2007.

TERM OF OFFICE (in Latin *cadentia* – fall) – that is a legally specified (in the Constitution or in other legal act) term of holding an office, mostly related to electable officer or body; it is a period of time for which the voters are authorising the electable body to perform its tasks. In most constitutional democracies the head of the state is elected for the period of four to seven years, but sometimes the functions are held for life; deputies in representative bodies are usually elected for two to six years. In the past, the term of office also meant an assembly, session, most of all of the court. In legal systems, a limit of terms of office is used in relation to elected bodies, their members, and also in relation to officers

(e.g., the head of state can hold the office usually for two terms in a row – this is the most often used limit; in the USA this limit was introduced in a form of the 22nd Amendment to the Constitution passed in 1947, ratified in 1951). Usually, the limits of terms of office do not apply to members of parliament (both members of lower chambers and higher chambers). In Poland until 2018 the limit has not been set for elected village mayors, city mayors and presidents of the cities. From 2018, the limit is two terms of five years. The limit of terms of office has been set for the judges of the Constitutional Tribunal – one term in office; for the President of the country – up to two terms. (→ principle of term of office; dissolution of the decision-making body) [M. Kaczorowska]

Literature: B. Banaszak, *Kadencja parlamentu* [Term of office of the parliament], [in:] *Słownik wiedzy o Sejmie* [Dictionary of knowledge about the Sejm], ed. A. Preisner, Warszawa 2001 ■ A. Ławniczak, M. Masternak-Kubiak, *Zasada kadencyjności Sejmu: wybrane problemy* [The principle of the Sejm's term of office: selected problems], "Przegląd Sejmowy" 2002, no. 3 ■ L. Garlicki, *Polskie prawo konstytucyjne. Zarys wykładu* [Polish constitutional law. An outline of a lecture], Warszawa 2006.

TERRITORIAL DIVISION – relatively permanent fragmentation of area of the state on the basis of the act in order to determine the local jurisdiction of state bodies and non-state organisational units that perform state functions by virtue of law. T.d. is an element of the state system, it is made by adopting an act or a law issued on the basis of the act and for its implementation. It is also called the administrative division of the country. In the process of historical development, three types of t.d. of the state have emerged: basic (fundamental), auxiliary and for special purposes. The **basic territorial division** is created due to the necessity to perform in the given area the state (public) tasks of significant importance from the point of view of the basic goals and principles of the functioning of the state. The basic t.d. is an element of the organisation (system) of local state bodies with general characteristics, equipped with authoritative (public and legal) competences, and local-government bodies. The three-tier basic t.d. of the state currently in force in Poland includes the levels: municipality, county, voivodship. It was introduced by the Act of 1998 (in force from 1st January 1999) – 16 voivodships and 308 counties (commonly called country counties) were created the, and additionally, 65 cities were given additional rights (→ cities with county rights, colloquially known as townships). As of the end of 2017, the basic t.d. includes: 2478 municipalities, 380 counties (314 country counties and 66 townships), 16 voivodships. An **auxiliary territorial division** is created for the performance of tasks belonging to local state bodies, in order to supplement the basic t.d., in some cases it is necessary due to the postulate of rationality and effectiveness of implementation of tasks. The legal basis for auxiliary t.d. are contained in the acts of various ranks, depending on the position of the body whose tasks or competences are exercised in such a division. If the auxiliary division is linked with a body operating in the territorial unit of

the fundamental division, then the legal basis for such division is the law or act issued on its basis. A **special territorial division** is created for the needs of state bodies that do not belong to the general government administration (the system of general government administration bodies) or local government structures, it is performed on the basis of law, separate from the fundamental division and relatively permanent. Special divisions may also be used by non-governmental organisations and institutions that perform public-legal (state) tasks on a commission basis. [B. Marczewska]

Literature: B. Dolnicki, *Samorząd terytorialny* [Local government], Warszawa 2012 ■ H. Izdebski, *Samorząd terytorialny. Podstawy ustroju i działalności* [Local government. The fundamentals of the system and activity], Warszawa 2014.

TERRITORIAL SYSTEM OF THE STATE – an appropriate division of the state into territorial units that serve to perform public functions. In addition to the form of government and the political regime, it is a part of the form of the state. In terms of the territorial system, one can distinguish **unitary states** (u.s.) and **federations** (fed.). There are also **confederations**.

The state's **unitariness** means that none of the areas of the state is endowed with the attribute of sovereignty. Sovereign power is located in a uniform (unitary) state in one of the nationwide institutions. Constitutional superiority in the u.s. is located in the centre, and the existence of any system of local authority depends on the centre's approval. The → **devolution**, at least in its legislative aspect, at its most allows for the **decentralisation** in the u.s., almost approaching the transformation into a fed. The vast majority of modern states have a unitary form. U.s. can take a more or less centralised form. There are very centralised states in which there is neither autonomy nor self-government. In the model of centralised state power, all power is concentrated in central state authorities who govern through their appointed plenipotentiaries (local administration as a regional representation of the central government). Nowadays, there are rare examples of the extremely implemented model of centralised authority.

The territory of a **federal state** in terms of politics and administration is not a uniform whole: it consists of territories of fed. entities deprived of the right to participate fully in international relations and, as a rule, without the right to secede (these are, for example, länder – Germany, cantons – Switzerland, states – USA, India, Nigeria, Mexico). Fed. entities dispose of the constitutional and legislative authority, i.e. they have the right to adopt their own constitution and adopt, within the division of competences, laws in force on their own territory; in accordance with the principle of subordination, these acts should comply with the fed. legislation. Federal legislative bodies may also issue special legal acts for individual members of the fed. Components of the fed. may have their own legal and judicial system. The union (federal) parliament is bicameral: the interests of the fed. entities are represented by the second or higher chamber (e.g. the Senate in the USA or Bundesrat in Germany). There are two rules for representing a com-

ponent (fed. entity): 1. the principle of equal representation, e.g. in the USA, two senators from each of the 50 states; 2. the principle of a diversified representation depending on the number of people, e.g. in Australia and Canada. In fed. there is a dual citizenship. Every citizen, in most countries (e.g. Germany, Austria, USA, Switzerland), is a citizen of the federation (fed.) and its relevant component (fed. entity). There is a division of competence between fed. and its components, and the systemic practice of various federal countries points to three kinds of solutions in this area: 1. dualistic federalism (USA, Mexico, Brazil), where the constitution of the federal state establishes the sphere of exclusive competence of the union by pointing out problems for which only the federal authorities may issue normative acts, all other issues not reserved by the constitution are the competence of the fed. entities (as the Tenth Amendment to the American constitution states: the powers not delegated to the federal authorities "are reserved to the States respectively, or to the people"); 2. the principle of exclusive competence of the union and the sphere of the so-called competitive competences (Austria, Germany); 3. a three-part system of differentiating competences (India), consisting in distinguishing exclusive competences of the union, exclusive competences of components of the union and common competences of federal authorities and authorities of the fed. entity. Thus, the essence of the fed. is the existence of two relatively autonomous levels of government: the fed. level and the level of fed. entities. The responsibilities and competences of each level of authority are defined in a codified or written constitution. Relations between the centre and the peripheries are therefore shaped by a formal legal framework. The autonomy of every level is usually guaranteed by the fact that none of them is able to unilaterally adopt amendments to the constitution (for example, amendments to the US Constitution require the support of 2/3 of both houses of Congress and 3/4 of 50 state legislatures). There is a constitutional arbitrator, because the constitutional provisions are interpreted by the Supreme Court, which is therefore an arbitrator in the situation of a dispute between the federal and state level (the fed. entity). The judicial power in the federal state, by designating areas of jurisdiction for each level, can determine the functioning of federalism in practice, inevitably engaging in the political process. Centralisation, which appeared in all fed. in the 20th century, was sanctioned every time by the courts. The main feature of fed. is the concept of the division of sovereignty. Each fed. however, is unique because relations between federal (national) authorities and state (regional, fed. entities) are determined not only by constitutional principles, but also by a number of political, historical, geographical, cultural and social factors. Some aspects that contribute to the creation of the fed. are: 1. historical reasons – fed. created through the unification of a number of existing political communities, which however wanted to preserve their separate identity and, to some extent, autonomy (the USA); 2. the existence of an external threat or a desire to play a more active role in international relations (Germany); 3. the size of the territory (e.g. Russia, Australia, Mexico, Brazil, many of the world's large and populous countries are

fed. except for the People's Republic of China and Japan); 4. cultural and ethnic heterogeneity (e.g. Nigeria, India, Canada).

A federation is a federal state, a **confederation** on the other hand is a union of the states. Federation and confederation are complex states. Fed. is currently the most common form of a complex state. Fed. are usually formed as a result of limiting the rights of member states in the confederation, incorporation of territories, a voluntary agreement between states, or the deconcentration of a unified state (e.g. Belgium). The confederation is a union of sovereign states that maintain their international personality, set up to implement specific intentions. In earlier times, personal unions were quite a widespread form of confederation. The real union, in turn, was a form close to fed. [J.G. Otto]

Literature: M. Bankowicz, J.W. Tkaczyński, *Oblicza współczesnego państwa* [Faces of the modern state], Toruń 2003 ■ A. Heywood, *Politologia* [Political science], Warszawa 2006 ■ *Społeczeństwo i polityka. Podstawy nauk politycznych* [Society and politics. The basics of political science], ed. K.A. Wojtaszczyk, W. Jakubowski, Warszawa 2007.

THINK TANK – a term adopted for describing organisations and institutions dealing professionally with advice for political subjects and independent development of proposals for the state and administration activities in public policy areas, such as economic policy, social policy, public finances, foreign and military policy. In the Polish language various terms are used, such as for example the forge of ideas, research and analytical institutions, analysis centre, etc. Th.t. perform various roles with regard to administration, such as: 1. expert – preparation of opinions, expert opinions, solutions for administration commissioned by administration units; 2. opinion-giving, monitoring and evaluating – an assessment independent of the administration of public policy conducted by the administration; 3. recruitment – th.t. constitute a source of recruitment for political, managerial and expert positions in public administration; 4. lobbying – part of th.t. act as activists with specific interests or solutions. In this situation, they fulfil the functions of → interest groups or advocacy of specific interests. Th.t. may have a legal status of → non-governmental organisations (foundations and associations) or companies. Most often the form of a foundation is used (e.g. in Germany or in the USA) or related forms (trust). In Poland, they can take the form of non-governmental organisations (including public benefit organisations). Polish th.t. are organisations that: 1. are affiliated with political parties, interest organisations or non-governmental organisations; 2. express a specific ideological profile (e.g. conservative, liberal, social-democratic), but remain independent of political parties, the degree of this independence varies; 3. emphasize their professional and to a lesser extent ideological character (specialisation e.g., in foreign policy, economic policy). The relationships of th.t. with public administration are usually consultative, expert and opinion-giving. They may perform contracted advisory services for the administration, be part of a wider coalition for specific solutions promoted by the administration, take part

in the consultation processes organised by the administration and participate in public debate. However, one may observe the issue of potential conflict of interest arising from the role of an independent institution and the role of performing a paid assignment for the administration. The question is whether it is plausible to place the term "think tank" on the various institutions, analytical, research and expert centres created by and affiliated with administrative bodies. There are opinions that one of the most important features of th.t. is their independence from public administration (property, financial, personnel), because it allows them to fully implement their social function. [D. Długosz]

Literature: T.T. Kaczmarek, *Kto kieruje globalizacją? Think Tanki – kuźnie nowych idei* [Who is in charge of globalisation? Think Tanks – a forge of new ideas], Warszawa 2011 ■ P. Zbieranek, *Polski model organizacji typu think tank* [The Polish model of the think tank organisation], Warszawa 2011.

TRADE UNIONS IN PUBLIC ADMINISTRATION – in democratic countries the right of establishing and functioning of trade unions is part of the freedom of association and also applies to public administration employees. This is confirmed by international conventions and international agreements, including the UN or the International Labour Organisation. However, there are some limitations to the functioning of t.u. in public administration. These limitations vary depending on the country and the adopted → civil service models. As a model, the scope of trade union rights is the widest where employment or payroll regulations are similar to those found in the private sector. In some ways these rights are limited where there is a public-legal model of regulation (top-down regulations set by the state, and not the result of collective bargaining). Most often these regulations concern: 1. limitation of the coalition law in public administration (prohibition – rarely absolute, limitation to one union), restrictions for persons in managerial positions; 2. restrictions of the right to strike (either complete or for certain jobs or categories of officers); 3. restrictions on concluding collective agreements in employee matters (excluding administration in general from collective agreements or excluding certain matters from systemic regulation); 4. restrictions by the public budget of "negotiation area" between the public employer and the union representing public employees. (→ strike in public administration) [D. Długosz]

Literature: Z. Hajn, *Zbiorowe prawo pracy. Zarys system* [Collective labour law. Outline of the system], Warszawa 2013 ■ *Public Service Employment Relations in Europe: Transformation, Modernization or Inertia?*, ed. S. Bach, L. Bordogna, G. Della Rocca, D. Winchester, London–New York 1999 ■ *Industrial Relations Systems in the Public Sector in Europe*, ed. T. Olsen, Oslo 1996.

TRANSPARENCY – one of the features of → good governance, understood as making decisions and their execution (governance) in an open and transparent manner, in accordance with applicable laws and procedures. This includes

matters of both openness and clarity of functioning of public authorities: access to information (documents); knowledge about how to make decisions and who makes them; intelligibility of the decision-making procedure, e.g., a clear division of competence; consultation; obligation to state the premise of somebody's actions. T. cannot be limited to the issue of access to public information (i.e. for example, making it available in the Public Information Bulletin, or on request of a citizen) – these actions involve openness. In turn, transparency is related to the legibility of this information and clear specification of procedures. T. is also the case, when a given entity publishes information about its property or about the law-making process in such a way that this information is universal, comprehensible to all interested parties and allows for its processing and comparison without specialist knowledge. [E. Zielińska]

Literature: T. Mering, *Pomiar jakości rządzenia (governance)* [Measuring the quality of governance], [in:] *Nowe idee Zarządzania Publicznego. Wyzwania i dylematy* [New ideas of Public Management. Challenges and dilemmas], ed. E.M. Marciniak, J. Szczupaczyński, Warszawa 2017 ■ J. Supernat, *Transparentność w funkcjonowaniu instytucji Unii Europejskiej* [Transparency in the functioning of the European Union institutions], [in:] *Patologie w administracji publicznej* [Pathologies in public administration], ed. D. Kijowski, P. Suwaj, Warszawa 2009.

TREASURER OF A LOCAL-GOVERNMENT UNIT – the position of the treasurer, i.e. the main accountant of the budget of the local-government unit, is compulsorily established in each municipality office, county starost office and marshal's office. The position of t. next to the → secretary's is one of the two most important local government administration posts – these are the closest professional associates of the executive body. T. is a → local government employee employed on the basis of appointment. The appointing and dismissing body is, respectively, the municipality/county council or voivodship sejmik on the sole request of the village mayor/mayor/president of the city, starost or voivodship marshal, respectively. If a legal act in a given unit may result in a monetary liability, its effectiveness requires a countersignature of the t. or a person authorized by him/her. In the event that the t. refuses to countersign, but receives a written command from the superior, he/she should notify the council/voivodship sejmik and the → regional audit chamber. The basic tasks of the t. most often include creating financial policy and ensuring its implementation, performing accounting obligations, organising its running and bearing responsibility in this respect, preparing a draft budget and information about the status of property, preparing financial forecasts, negotiating with government administration bodies the financial resources for commissioned or transferred tasks, preparation of periodic analyses and reports on financial activities, organisation of financial control of organisational units, ensuring correct bookkeeping and asset records. [P. Antkowiak]

Literature: B. Dolnicki, *Samorząd terytorialny* [Local government], Warszawa 2016.

TRIBUNAL OF STATE – a court with special competences or of special importance, in Polish judiciary it was established to decide on responsibilities of persons holding the highest offices in the country for violation of the Constitution and special laws. This concerns: representatives of the executive (in particular → the President of the Republic of Poland, members of → the Council of Ministers), the president of the Polish National Bank, the president of the Supreme Audit Office (NIK), members of the National Broadcasting Council (KRRiT). Regarding the President of the Republic of Poland the Tribunal of State also rules on the responsibility for common and treasury offences. In the case of the members of the parliament, the proceedings may concern infringement of the prohibition on conducting business activity, which consists in achieving the State Treasury's economic benefits and violating the prohibition of acquiring assets from the State Treasury or local government. The President of the Tribunal of State is as a rule the first President of the Supreme Court. The members of the Tribunal of State are independent and are subjects to the Constitution and legal acts. Initiation of proceedings in most cases is decided by the Sejm, against Senators – the Senate, and in relation to the President of the Republic of Poland – the National Assembly. If the committed act does not constitute a crime, the Tribunal of State may punish a natural person by depriving him/her of passive and active electoral rights (for a period of two to ten years) or forbidding him/her to occupy managerial positions. The Tribunal may also rule only the guilty plea of the defendant. If the committed act is a crime, the Tribunal imposes penalties on the defendant under criminal law. [M. Kaczorowska]

Literature: L. Garlicki, *Polskie prawo konstytucyjne. Zarys wykładu* [Polish constitutional law. An outline of a lecture], Warszawa 2006 ■ J. Zaleśny, *Odpowiedzialność konstytucyjna. Praktyka III RP* [Constitutional responsibility. The practice of the Third Republic of Poland], Warszawa 2004.

U

UNION OF POLISH CITIES (UPCi) – a voluntary nationwide association of cities-municipalities. UPCi traditions date back to the times of the Second Republic of Poland. The UPCi operates on the basis of the statute, which defines the basic principles of operation, the method of selection and competences of particular authorities, the acquisition and loss of membership, the source of financing of the activity and the rules for the liquidation of the Union. The main objectives of the UPCi are: supporting the development of local government, striving for the economic and socio-cultural development of Polish cities, integrating and defending common interests, shaping a common policy, supporting initiatives for the development and promotion of cities, and sharing experience and dissemination of model solutions for development of city management. UPCi pursues its statutory objectives by: initiating and issuing opinions on draft legal acts concerning local governments, cooperating with public administration bodies, associations, other social organisations and scientific communities, and exchanging experience in the field of public tasks, undertaking joint initiatives for social and economic development of Polish cities, international scientific and cultural exchange, information and training activities. The UPCi represents the interests of cities on the national forum through participation in the works of the → Joint Commission of the Government and Local Government and in the councils, teams, committees and commissions operating at public institutions. At the international level, the UPCi participates in the work of: the EU Committee of the Regions, the Council of European Municipalities and Regions (CEMR), the Congress of Local and Regional Authorities of Europe (CLRAE) – in the Local Government Chamber. The UPCi's bodies are: the General Assembly (highest authority), the Management Board (represents UPCi outside and is responsible for day-to-day handling of cases), the Audit Committee (the body controlling the compliance of the Union bodies' activities and budget spending) and 17 permanent subject committees (advisory bodies of the UPCi). [A. Bejma]

UNION OF POLISH COUNTIES (UPCo) – a voluntary nationwide association of counties and cities with county rights, registered in 1999. UPCo continues the tradition of the pre-war organisation operating under that name. The UPCo operates on the basis of the statute, which defines the basic principles of operation, the method of selection and competences of particular authorities, the acquisition and loss of membership, the source of financing of activities and the principles of liquidation. The main objectives of the UPCo's activities are: supporting the idea of local government, integrating and defending common interests of counties, shaping a common policy, supporting initiatives for

the development and promotion of counties, exchange of experience and dissemination of model solutions in the field of development and the county management. UPCo implements its statutory objectives by: initiating and issuing opinions on draft legal acts relating to local governments, cooperation with public administration bodies, associations, other social organisations and scientific communities, and exchange of experience in the field of counties' own tasks and government administration tasks, undertaking joint initiatives for the social and economic development of county communities, international scientific and cultural exchange, information and training activities, delegating their representatives to other organisations and institutions. UPCo represents the interests of counties on the national forum through participation in the works of the → Joint Commission of the Government and Local Government, in teams, committees and commissions operating at public institutions, and cooperation with the Centre for Studies in Local Government and Development at the University of Warsaw. At the international level, it participates in the work of the EU Committee of the Regions, the Council of European Municipalities and Regions, the European Confederation of Local Intermediate Authorities (CEPLI), the Congress of Local and Regional Authorities of Europe (CLRAE) – in the Local Authority Chamber. The UPCo's bodies are: the General Assembly (the highest body), the Management Board (represents the UPCo outside and is responsible for the day-to-day handling of cases), the Audit Commission (the body controlling the compliance of the Union bodies' activities and budget spending) and the 16 county conventions (local organisational units representing the counties' interests at voivodship level). [A. Bejma]

UNION OF POLISH METROPOLISES – a foundation associating 12 large Polish cities, established in 1990 (as a foundation from 1993, in the beginning it functioned as a convention of the presidents of the cities). The goals of the UPM are: supporting the development of the local and economic self-government, promotion of initiatives and actions connected with creating and functioning of regional and local structures, in particular those created in metropolitan areas, collectively solve problem of big cities, cooperation with the state bodies and nationwide, foreign and international organisations, for increasing the role of metropolises in the country and in European integration. The Union consists of: Białystok, Bydgoszcz, Gdańsk, Katowice, Kraków, Lublin, Łódź, Poznań, Rzeszów, Szczecin, Warszawa, Wrocław. The UPM is a member of the → Joint Commission of the Government and Local Government and the Eurocities association, its members are also part of the Committee of the Regions of the EU. The initiative to create the UPM was born in the Institute of the Cities, established by the experts from the Civic Centre of the Society of Polish Urbanists. It was then supposed to be a forum for networking connection of the post-communist cities with democratic cities of Europe and the world. The initiators also noticed a fault in the then self-government reform which did not

consider a significant diversity among municipalities. It was postulated that the maximum of tasks be delegated to municipalities and the big cities were the ones who could take the most of them. Thus the slogan "as much city, as much state", in the spirit of which the Union was created. [M. Jęczarek]

Literature: A.K. Piasecki, *Samorząd terytorialny i wspólnoty lokalne* [Local government and local communities], Warszawa 2009 ■ J. Regulski, *Samorząd III Rzeczypospolitej: koncepcje i realizacje* [Local government of the Third Republic of Poland: concepts and realizations], Warszawa 2000 ■ W. Tomaszewski, *Unia Metropolii Polskich* [Union of Polish metropolises], [in:] *Samorząd zorganizowany: II Kongres Samorządu Terytorialnego* [Organised local government: II Congress of Local Government] *[Poznań 13–15.V.1994*], Samorząd Terytorialny I Kadencji [Local government of the first term of office], vol. 4, ed. P. Buczkowski, Poznań 1994.

UNION OF RURAL MUNICIPALITIES OF THE REPUBLIC OF POLAND (URM) – a voluntary nationwide association of rural and urban-rural municipalities, registered in 2002, it continues the pre-war tradition of an organisation operating under that name. The statute of the URM defines the basic principles of operation, the method of selection and competences of the authorities, becoming a member and losing the status of a member, the source of financing of the activity and the rules of liquidation. The aim of the activity is to take initiatives for: supporting the development of democracy and local government, improving the conditions of social and economic development, defence and representation of interests of municipalities and their residents against public authorities and integrating the local government environment. URM supports municipalities in adapting to the EU standards, implements research and analytical programmes, organises trainings that support and improve the skills of local government representatives. The Union represents and cares for the interests of rural and urban-rural municipalities at the national level through participation, among others, in the works of the → Joint Commission of the Government and Local Government, the Sejm and Senate committees and other institutions dealing with rural development, and on the international level, inter alia at the EU Committee of the Regions and the Congress of Local and Regional Authorities of Europe (CLRAE). The bodies of the URM include: the General Assembly (the highest body consisting of the village mayors/mayors or representatives of all member municipalities), the Management Board (represents URM outside and is responsible for the day-to-day handling of cases), the Audit Committee (internal control body, its task is to control the implementation of the budget and work of the Board) and the Regional Council (auxiliary body in the daily functioning of the URM). [A. Bejma]

UNION OF THE VOIVODSHIPS OF THE REPUBLIC OF POLAND – an association of all 16 Polish self-government voivodships, established in 2002 during a meeting of the presidents of the sejmiks and the marshals of the voivodships

in Warsaw. The goal of the UVRP is to support the idea of local government, defend common interests of the voivodships and to strive for socio-economic development of Polish voivodships. The activity of the Union has also a lobbying character. The Union's representatives take part in the works of the → Joint Commission of the Government and Local Government, and also of the Committee of the Regions of the EU and the Congress of Local and Regional Authorities of the Council of Europe. The supreme authority of the Union is: the General Assembly, a deciding body composed of 64 delegate-representatives of the 16 voivodships (4 persons from each voivodship: the marshal of the voivodship, the president of the sejmik and two councillors); the Executive Board – an executive body composed of the president, three vice-presidents and three members of the Board selected by the General Assembly from among the delegates; the Audit Committee performing control functions (composed of five members selected by the General Assembly from among its members); the Convention of the Marshals of the Voivodships of the Republic of Poland and the Convention of the Presidents of the Sejmiks of the Voivodships of the Republic of Poland as opining and advisory bodies to the UVRP. [M. Jęczarek]

Literature: A.K. Piasecki, *Samorząd terytorialny i wspólnoty lokalne* [Local government and local communities], Warszawa 2009.

URBAN POLICY – a set of activities and measures aimed at achieving a specific, defined goal, which is concurrent with the expectations of the local/urban community and serves the development of this community. U.p. is implemented at the *policy* level, not *politics*. The main goal of urban policy is sustainable development of the local community, achieved through specific policies: communal housing, social, transport and communication, educational, cultural, health and security policy. Depending on the size of the local-government unit, its independence, financial condition and the provisions of the state law, u.p. is initiated from bottom-up or top-down. Bottom-up u.p. is independent and individualized through cooperation of urban movements with the local government, top-down u.p. is initiated by a higher-level authority and is the implementation of the overall strategy of the state. The existence of a bottom-up initiative is a premise for a well-developed local deliberative environment (→ deliberative democracy, local co-governance). [B. Celejewski]

Literature: OECD, *OECD Urban Policy Reviews: Poland 2011*, [b.m.w.] 2011 ■ P. Galès, *Urban Policy*, [in:] *International Encyclopedia of Social and Behavioral Sciences*, ed. J.D. Wright, 2nd ed., Oxford, UK 2015.

V

VILLAGE (Polish: *sołectwo*) – a type of an → auxiliary unit of a rural municipality (in urban municipalities auxiliary units are usually: → housing estate, district). Institutions of the village mayor and village offices in Poland have been historically written in the functioning of local communities for centuries. The organisation and scope of activities of the v. are determined by the municipality council with a separate statute, after consultations with residents. The statute should specify: name and area of the v., principles and mode of selection of bodies, organisation and tasks of bodies, scope of tasks transferred to them for implementation. The resolution-making body in the v. is the village meeting, and the executive – the village administrator (*sołtys*). Detailed regulations regarding the organisation of the village meeting can be found in individual statutes. As a rule, the right to participate in such an assembly is vested in all residents of the v. with active electoral rights. The village meeting may be summoned by the village administrator, the village council or municipality local-government bodies (municipality council, village mayor) as well as at the request of a specific number of residents. Statutes usually contain the obligation to hold such meetings at least once a year. The activity of the village administrator is supported by the village council, which has no autonomous competences and is an entity with advisory and consultative powers. The village administrator and members of the village council are elected in a secret ballot, directly, from among an unlimited number of candidates, by permanent residents of the v. who are entitled to vote. In order to carry out the tasks of the v., the Act on the → village fund allows the separation of a part of the municipality's budget for the implementation of the tasks of the v., while providing funds from the state budget for co-financing this fund, depending on the degree of affluence of the municipality. [P. Antkowiak]

Literature: B. Dolnicki, *Samorząd terytorialny* [Local government], Warszawa 2016

VILLAGE FUND (Polish: *fundusz sołecki*) – financial resources that can be separated from the → municipality budget and guaranteed for the → village (*sołectwo*) to carry out projects within the municipality's own tasks aimed at improving the living conditions of the residents and which are in line with the municipality's development strategy. The funds of the v.f. may also be used for expenses related to the removal of the effects of natural disasters within the meaning of the Act on the state of natural disaster. The institution of v.f. has been operating in the local government finance system since 2009 and since 2014 on the basis of the new act on the village fund. The creation of v.f. is in the powers of the municipal council, a resolution on the approval to separate the fund

applies for subsequent budget years, and the resolution on the non-approval of its separation applies only for the budget year following the year in which it was enacted. The amount of funds allocated to a given village is calculated on the basis of the formula specified in the act, and the basic variable is the number of residents of the village. The condition on which the resources are granted from the fund in the financial year is the submission of a request by a given village to the village mayor/mayor/president of the city. The municipality council while making decision on the budget may reject the request of the village if it finds that the tasks the village is planning to implement do not meet the conditions set out in the act. V.f. is not a special-purpose fund within the meaning of the Act on public finance. V.f. can be interpreted as an element of the municipality's financial economy and a financial instrument for the direct execution of its tasks by the villages. The benefits for the municipality include additional funds from the state budget, to which it is not entitled in case the fund is not created. From the point of view of the residents of the village, it is an instrument of budgetary participation, that is, co-deciding on spending a certain part of public funds from the municipality budget. Its purpose is to support the initiatives of the residents of villages. [A. Mirska]

Literature: M. Augustyniak, *Jednostki pomocnicze gminy* [Municipality's auxiliary units], Warszawa 2010 ■ M. Paczocha, *Fundusz sołecki jako narzędzie realizacji zadań gminy przez sołectwa* [The village fund as a tool for implementing the municipality's tasks by village councils], "Finanse Komunalne" 2009, no. 7–8 ■ M. Wójcik, *Fundusz sołecki w świetle nowych regulacji prawnych* [The village fund in light of new legal regulations], "Prawo Budżetowe Państwa i Samorządu" 2014, no. 4.

VILLAGE MAYOR (Polish: *wójt*) – an executive body in rural municipalities. He is elected in local government elections that are universal, equal, direct and conducted by secret ballot The term comes from the German *voght* and has been operating in Poland since the Middle Ages with the introduction of settlement under German law. V.m. was a lord's vassal (appointed by him), had jurisdiction, and this function was often hereditary. He was assisted by the town council in performing his tasks. The position of v.m. has evolved since the Middle Ages, in the 1920s it was characteristic only of rural municipalities. V.m. was the head of the executive body elected by the municipality council and at the same time he was its chairman. During Polish People's Republic (since 1950) the office of v.m. was abolished. In the reorganised in 1990 local government the office of v.m. returned, he became the chairman of the executive body (board) elected by the municipality council. Since 2002, it is a monocratic executive body in rural municipalities, directly elected (if the residents do not choose the v.m. in the election or if there's no candidate, the v.m. is elected by the municipal council). Candidates must be at least 25 years old on the election day and they are not obliged to live in the municipality where they apply for office. The term of office (as the council's) lasts five years. The v.m. may be removed from office by a local

referendum on the initiative of the residents or the council, and in case of blatant violations the constitution may be ousted by the President of the Council of Ministers. The v.m. (in the same way as → mayor and → president of the city) has extensive competence in the management of the municipality, e.g., preparing draft budget resolution and other draft resolutions (in practice he is the main initiator of the legislative process), develops plans in case of crises and spatial development plan. He executes the budget and resolutions, manages municipal property, issues → administrative decisions, he is the head of the municipality office, nominates his deputy, at his request the council appoints a treasurer. (→ executive body of local government) [J. Wasil]

Literature: A.K. Piasecki, *Samorząd terytorialny i wspólnoty lokalne* [Local government and local communities], Warszawa 2009 ■ Z. Bukowski, T. Jędrzejewski, P. Rączka, *Ustrój samorządu terytorialnego w Polsce* [The system of local government in Poland], Toruń, 2013 ■ B. Dolnicki, *Samorząd terytorialny* [Local government], Warszawa 2016.

VOIVODE – a one-person body of the local-government administration and the constitutional representative of the council of ministers in the voivodship. V. is: a representative of the council of ministers in the voivodship; the head of the joint government administration in the region; the joint government administration body in the voivodship; the supervising authority to the activities of local-government units and their associations in terms of legality; a body of governmental administration in the voivodship, to which all the matters within the scope of government administration in the voivodship belong to and are not reserved in separate acts as a competence of other bodies of that administration; a representative of the State Treasury, in the scope and on the principles specified in separate acts; a higher-level body as understood by the Code of Administrative Proceedings; a body obliged to provide the State Treasury's real estate management in the voivodship in a manner consistent with the principles of proper economy. V. is appointed and dismissed by the President of the Council of Ministers at the request of the minister responsible for public administration. V. performs the tasks with the help of the vice-voivode(s). The vice-voivode is appointed and dismissed by the President of the Council of Ministers at the request of the v. A person can be appointed for the position of v. or vice-voivode if he/she: has a Polish nationality, holds a master's degree or an equivalent, is guaranteed a satisfactory performance of his or her duties as a v., has not been convicted by a final court judgment for a deliberate offense prosecuted from public prosecution or an intentional tax offense, enjoys full public rights and has an impeccable repute. The voivode's activity is directed by the prime minister, through guidelines and instructions, and on the basis of reporting on the implementation of the tasks. An important part of this process is also the evaluation of work. The main criterion for the evaluation and supervision of the President of the Council of Ministers is the consistency of actions taken by the v. with the policy pursued by the government. The activity of the v. is also subject to supervision by the minister

competent for public administration – in terms of compliance of the performed tasks with the general laws in force, as well as from the point of view of reliability and economy of public expenditure. The remaining ministers exercise their powers over the v. in the scope and on the principles set forth in separate acts. V. is obliged to provide within the prescribed time limit the competent minister or central governmental body with the information and explanations requested by them. Disputes between the voivodes and between the voivodship and the minister or central government administration body are decided by the prime minister. He/she may authorize a minister competent for public administration to exercise, on his/her behalf, his or her entitlements towards the v., with the exception of the appointment and dismissal of the v. and the settlement of disputes between a member of the council of ministers or a central governmental administration. V. supervises the activities of local-government units and their associations on the basis of the principles set forth in local self-government statutes. (→ government administration, supervision of local government) [K. Mroczka]

Literature: J. Majchrowski, *Ewolucja funkcji wojewody jako przedstawiciela Rządu* [Evolution of the voivode's function as a government representative], Warszawa 2011 ■ J. Służewski, *Wojewoda w systemie administracji państwowej* [Voivode in the system of state administration], Warszawa 1981 ■ *Status prawny wojewody* [Voivode's legal status], ed. M. Chmaj, Warszawa 2005.

VOIVODSHIP – a unit of the basic three-tier territorial division of the state. In years 1990–1998 the unit of the basic territorial division of government administration. Since 1999, also a local-government unit – the inhabitants of the v. constitute by virtue of law a regional local-government community. V. as a unit of division of the territorial system of the Polish state has distant historical traditions. V. is the largest unit of the basic territorial division of the country established for the purpose of performing public administration tasks. V. agglomerates → counties, cities with county rights, and → municipalities. On the basis of the Act introducing the new three-tier territorial division of the state, on 1st January 1999 16 voivodships were established: Lower Silesia v., Kujawy-Pomerania v., Lublin v., Lubuskie v., Łódź v., Małopolska v., Mazovia v., Opole v., Podkarpacie v., Podlasie v., Pomerania v., Silesia v., Świętokrzyskie v., Warmia-Masuria v., Wielkopolska v., West Pomerania v. The location of the headquarters of → voivodes and → voivodship sejmiks were also specified at that time. In two voivodships sejmik and voivode have offices in different cities (Kujawy-Pomerania and Lubuskie v.). The number of municipalities and counties included in the individual voivodships is very diverse. The largest number of local-government units are concentrated (as of November 2017) in Mazovia, and the smallest number is in Opole v. (→ local government, supervision of local government) [K. Mroczka]

Literature: E. Zieliński, *Administracja rządowa i samorządowa w Polsce* [Government and local government administration in Poland], Warszawa 2013.

VOIVODSHIP ADMINISTRATIVE COURT – the judicial body in the system of administrative courts in Poland, the administrative court of first instance, the body of external control of the public administration. It recognizes all judicial-administrative matters, except for matters for which the jurisdiction of the → Supreme Administrative Court (SAC, Polish: NSA) is reserved. The ruling issued by the vac is subject to an appeal in the form of a cassation appeal to the SAC. Administrative courts of first instance were introduced into the Polish judicial system from 1st January 2004 under the reform aimed at the establishment of two-instance judicial-administrative proceedings (→ administrative courts). The vac is formed for one or more voivodships. This is the competence of the President of the Republic of Poland, who, at the request of the President of the SAC, by way of ordinance, creates and abolishes the vac and establishes their seat and area of jurisdiction. As of November 2017, there are 16 vacs operating mostly in the capitals of the voivodships, except in the cases of: vac in Gliwice for the Silesian voivodship, for the Kujawsko-Pomorskie voivodship – vac in Bydgoszcz, for the Lubuskie voivodship – vac in Gorzów Wielkopolski. During the transition period (1.01.2004–1.07.2005), there were 14 vacs, because for the Małopolskie and Świętokrzyskie voivodships the vac was established in Cracow, and for the of Lubuskie and Wielkopolskie voivodships the vac was in Poznań. The composition of vac includes the president of the court, the vice-president or vice-presidents of the court, the judges and the court assessors. The bodies are: the president of the vac, the general assembly of the judges of the vac and the board of vac. The president and the vice-president of the vac are appointed by the president of the SAC from among the judges of vac or the SAC, after having consulted the general assembly of that court. [A. Mirska]

Literature: *Polskie sądownictwo administracyjne – zarys systemu* [Polish administrative judiciary – an outline of the system], ed. Z. Kmieciak, Warszawa 2017.

VOIVODSHIP BOARD – a collegial executive body of the self-government → voivodship appointed by the voivodship sejmik (v.s.). The five-person composition of the v.b. includes: the marshal (as its chairman), the vice-marshal (one or two) and the other members of the board. The v.s. first elects the marshal and then on his request the other members of the board. The selection of the v.b. should be made within three months from the date of publication of the results of the sejmik elections. Failing to select the v.b. within the statutory time results in dissolution of the v.s. by virtue of law and in the early election of the v.s. ordered by the voivode (it happened in the spring of 2006 in Podlaskie province). The competences of the v.b. include: executing resolutions of the v.s.; managing the property of the voivodship, including exercising the rights resulting from the stocks and shares held by the voivodship; preparing the project and executing the self-government budget of the voivodship; preparing strategic development plans, spatial development plans for the voivodship, voivodship programmes and their implementation; organising cooperation with regional

self-government structures in other countries and with international regional associations; directing, coordinating and controlling the activities of voivodship self-government organisational units, including the appointment and dismissal of their managers; adopting organisational regulations of the marshal's office. Membership in the v.b. should not be combined with membership in the body of another local-government unit (municipal council, voivodship sejmik, county board) or holding the mandate of a village mayor, with the employment in the government administration, and with the fulfilment of a parliamentary mandate. A member of the v.b. does not have to be a councillor. The v.b. can be dismissed in two cases. Obligatorily in the case of failing to be granted a vote of acceptance for the implementation of the budget. Optionally (the whole board or individual members of the board) – by resolution of the v.s., on request made by the group of at least 1/3 of its statutory composition, justified and with opinion of the revisory commission for another reason than not granting acceptance. The v.s. may dismiss the board (or individual members thereof) by resolution adopted by a majority of 3/5 of its statutory composition by secret ballot. The dismissal of the marshal of the voivodship is equal to dismissal of the whole v.b. (→ executive body of local government) [J. Wojnicki]

Literature: Z. Bukowski, T. Jędrzejewski, P. Rączka, *Ustrój samorządu terytorialnego* [The system of local government], Toruń 2013 ■ A. Piekara, *Samorząd terytorialny i inne formy aktywności społecznej: dawniej i dziś* [Local government and other forms of social activity: the past and present], Warszawa 2005 ■ J. Regulski, *Samorząd III RP: koncepcje i realizacja* [Local government of the Third Republic of Poland: concepts and implementation], Warszawa 2000.

VOIVODSHIP DEVELOPMENT STRATEGY – a long-term strategic document of the voivodship self-government, which defines the vision of development, sets goals and main actions aimed at achieving them, its preparation is obligatory. The analysis of development trends is preceded by a diagnosis of the socio-economic situation of the voivodship, which is a justification for the actions planned in the strategy. It is therefore a concept prepared on the basis of the process of planning future development. The most important features that the v.d.s. should have are: preserving the value of the cultural and natural environment, basing the development on elements of the material environment, subordinating current activities to long-term strategic goals, forecasting development trends in the period covered by the strategy, stimulating economic activity, raising the level of competitiveness and innovation of the voivodship's economy, active participation of the authorities and society in the process of designing and implementing the strategy, a source of information for institutional entities and the society on the activities planned in the voivodship. After the adoption by the voivodship sejmik of the resolution on the matter of v.d.s., it is submitted as information to the minister competent for regional development. V.d.s. is subject to updating if it is required by the socio-economic or spatial situation of the voivodship.

V.d.s. is implemented by development programmes, a → regional operational programme, a programme to implement the partnership agreement and a territorial contract. The voivodship self-government can apply for co-financing the implementation of the strategy from the state budget or funds from the EU budget. [E. Szulc-Wałecka]

Literature: B. Dolnicki, *Samorząd terytorialny* [Local government], Warszawa 2009.

VOIVODSHIP MARSHAL – the chairman of the collegial executive body (sejmik) in the self-government voivodship. The choice of the v.m. is made during a session of the Sejmik in a separate secret ballot voting from an unlimited number of candidates submitted by the councillors of the voivodship sejmik (the candidate does not have to be a councillor). The competences of the v.m. include the duties of the head of the marshal's office, the head of the local government employees employed in that office, and the heads of the provincial local-government organisational units. He is not a body of the local-government v. (these are: v. Sejmik and v. board). The v.m. fulfils the duties of the body by issuing individual decisions in matters of public administration. The tasks of the v.m. include: organising the work of the voivodship board and the marshal's office; performing work in the field of labour law regarding the employees of the marshal's office and heads of voivodship local-government units; directing the current affairs of the voivodship; exercising direct supervision over the performance of tasks performed by the secretary of the voivodship, treasurer of the voivodship and directors of individual departments of the marshal's office; representation of local-government voivodship outside, both in relations with other local government units, government administration, and in contacts with local and regional government units of other countries; taking necessary actions belonging to the voivodship board in urgent matters: regarding direct threats to the public interest, directly threatening the health and life and on matters likely to cause material losses; issuing individual decisions in matters of public administration, belonging to the local-government voivodship, unless specific provisions state otherwise. (→ voivodship sejmik) [J. Wojnicki]

Literature: M. Barański et al., *Samorząd terytorialny i wspólnoty lokalne* [Local government and local communities], Warszawa 2007 ■ A. Borodo, *Samorząd terytorialny: system prawnofinansowy* [Local government: the legal and financial system], Warszawa 2008 ■ E. Nowacka, *Władza samorządu lokalnego* [The power of local government], Warszawa 2012.

VOIVODSHIP ROAD SAFETY COUNCIL – (WRBRD) is a voivodship coordination team in road safety matters operating under the voivodship marshal. The Council coordinates and defines directions of public administration activities in matters of road safety. The tasks of the Council include in particular: developing regional programs for improving road safety; giving opinions on draft local legal acts in the field of road traffic safety; approving the expenditure plan of

voivodship road centres in the part intended for improving road safety; initiating: training of public administration staff and training in road safety, inter-voivodship cooperation and education and information activities; cooperation with relevant social organizations and non-governmental institutions; analysing and assessing actions taken. The Council is composed of: chairman – voivodship marshal, deputy chairman: voivode and voivodship police chief, secretary – nominated by the voivodship marshal, Council members: voivodship road transport inspector, director of the appropriate branch of the General Directorate for National Roads and Motorways, representatives: voivode, voivodship military staff, school superintendent, voivodship board, county boards, mayors or city presidents, voivodship police commander, voivodship commander of the State Fire Service, voivodship road board, voivodship road traffic centres, county road boards, as well as persons indicated by the voivodship marshal – in particular those representing non-governmental organizations operating in the voivodship, whose statutory purpose is the issue of road safety, where the voivodship marshal may indicate no more than 12 people. The president of the Council manages its work and represents it outside, receives reports and information from the bodies whose representatives are members of the Council on the implementation of tasks specified in road safety programs and information on the state of road safety, as well as submits to the chairman of the National Road Safety Council an annual report (at the end of January) on the state of road safety in the voivodship and actions implemented in this respect. The following may participate in the Council's activities in an advisory capacity: representatives of non-governmental organizations whose statutory scope of activities includes road safety issues, academic staff of universities or research and development units, as well as independent experts. The Council is supported by the voivodship road traffic centre designated by the voivodship marshal. (→ National Road Safety Council) [M. Jurgilewicz]

Literature: W. Kotowski, *Traffic Law. Commentary*, Warsaw 2011 ■ *Legal aspects of road safety*, edited by M. Jurgilewicz, Z. Nowakowski, J. Rajchel, K. Rajchel, Warsaw 2011.

VOIVODSHIP SEJMIK – a decision-making and control body of the self-government → voivodship. It is elected in local government elections that are universal, equal, direct, and conducted by secret ballot. The term of office of the v.s. lasts four years, counting from the day of election. The v.s. is a body with general competence, entitled to undertake and carry out all matters reserved for the scope of self-government voivodship. The exclusive properties of the v.s. include constituting local acts, in particular the statute of the v. and adopting resolutions concerning: rules of management of the property of the v., rules and mode of using the voivodship's objects and public utility devices; development strategy of the v. and voivodship programs; spatial development plans; budget of the v.; regulations relating to local taxes and charges; defining the rules of granting subject and earmarked subsidies by the v.; mode of work on the draft

budget resolution; the detailing of the executive system of the local-government budget; property issues of self-government voivodship; examining reports on implementation of budget of the v., financial statements of the v. and reports on implementation of long-term programmes of the v.; granting or not granting the vote of acceptance to the v. board for the execution of the self-government voivodship budget; election and dismissal of the v. board and determining the remuneration of the marshal of the v., considering the reports on the activity of the v. board; appointment and dismissal – at the request of the voivodship marshal – of the v. treasurer; entrusting the tasks of the self-government voivodship to other units of local government; creating and dissolving unions, associations, foundations, as well as deciding on joining or leaving them; regulations relating to internal organisation and the mode of work of the self-government voivodship bodies. The v.s. adopts resolutions on the "Priorities of foreign cooperation of the voivodship" and participation in international regional associations and other forms of regional cooperation. The works of the s. are run by the chairman elected by the s., in cooperation with (one to three) deputies. The meetings of the v.s. are convened by the chairman on his own initiative, at least once a quarter. Extraordinary meetings may be requested by the v. board or by a group of at least 1/4 of the statutory composition of the council. The councillors work in the plenary sessions of the council and in the subject commissions. (→ decision-making and control body of local government) [J. Wojnicki]

Literature: H. Izdebski, *Samorząd terytorialny: podstawy ustroju i działalności* [Local government: the foundations of the system and activity], Warszawa 2014 ■ E. Nowacka, *Samorząd terytorialny w ustroju państwa* [Local government in the system of a country], Warszawa 2003 ■ E. Zieliński, *Administracja rządowa i samorządowa w Polsce* [Government and local-government administration in Poland], Warszawa 2013.

VOIVODSHIP SELF-GOVERNMENT'S BUDGET – an annual plan of income and expenses, as well as revenues and expenditures of the self-government voivodship. V.s-g.b. is adopted by the voivodship sejmik in the form of a budgetary resolution that forms the basis of the voivodship's financial economy in a given budget year. The power of an initiative to draft a budgetary resolution is only in the competence of the executive body – the voivodship board. The mode of work on the draft budget resolution is defined by the voivodship sejmik. V.s-g.b. is a cash plan, and therefore includes planned earnings (incomes and revenues) as well as expenses and expenditures. V.s-g.b. includes: the income plan, the expenses plan, the revenue and expenditure plans and the budget result. In the income plan of the v.s-g.b. one distinguishes, in a layout of departments, the planned amounts of current incomes and property income according to their sources, in particular from grants and funds for financing expenses for the implementation of tasks financed with funds from the EU budget and non-refundable funds from the assistance received from the EFTA member states. Expense plan of the v.s-g.b. lists, in the layout of departments and chapters, the amounts

of planned current and property expenses. In the expenses plan, the planned amounts of expenses for particular groups are distinguished in the system of departments and chapters. Incomes and revenues included in the v.s-g.b. are their projected values, and expenses and expenditures have an impassable limit. The budgetary resolution of the voivodship sejmik should be adopted before the beginning of the budgetary year, and in particularly justified cases – no later than by 31st January of the budget year. The main incomes of the voivodships are: corporate income tax, general subsidy and subsidies for investments. The expenses of voivodships are primarily intended for: transport, public administration and culture and protection of cultural heritage. [T. Strąk]

Literature: T. Lubińska, *Budżet a finanse publiczne* [Budget and public finances], Warszawa 2010 ■ S. Owsiak, *Finanse publiczne. Współczesne ujęcie* [Public finances. Contemporary perspective], Warszawa 2017 ■ L. Patrzałek, *Finanse samorządu województwa w systemie finansów publicznych w Polsce* [Finances of the voivodship self-government in the public finance system in Poland], Warszawa 2005.

VOIVODSHIP SELF-GOVERNMENT'S INCOME – a part of public incomes, which in accordance with applicable regulations are a source of public funds of voivodship self-government. V.s-g.i. is non-refundable cash earnings of voivodships (to an account or paid at the cash desk). V.s-g.i. are: own income, general subsidy and special subsidies from the state budget. V.s-g.i. may be: funds from non-refundable foreign sources; funds from the EU budget, other resources specified in separate regulations and appropriations from special funds. The sources of the voivodship's own incomes are: 1. tax incomes, i.e. shares in earnings from income taxes (PIT – 1.60%, CIT – 14.75%); 2. non-tax incomes: a. earnings obtained by voivodship budgetary units and contributions from voivodship budgetary institutions; b. income from voivodship assets; c. inheritances, legacies and donations to the voivodship; d. income from cash penalties and fines; e. 5% of income received for the benefit of the state budget in connection with the implementation of tasks in the field of government administration and other tasks ordered by laws; f. interest on loans granted by the voivodship; g. interest on late payments of receivables constituting the voivodship's income; h. interest on funds accumulated on the voivodship bank accounts; i. subsidies from the budgets of other local-government units; j. other income due to the voivodship on the basis of separate regulations. The general subsidy covers the following types of subsidies: compensatory, regional and educational. V.s-g.i. from targeted subsidies is primarily income from subsidies for investment tasks and programs co-financed from the EU funds. (→ voivodship self-government's budget) [T. Strąk]

Literature: T. Lubińska, S. Franek, M. Będzieszak, *Potencjał dochodowy samorządu w Polsce* [The income potential of local government in Poland], Warszawa 2007 ■ S. Owsiak, *Finanse publiczne. Współczesne ujęcie* [Public finances. Contemporary perspective], Warszawa 2017.

VOIVODSHIP SELF-GOVERNMENT'S TASKS – public tasks of voivodship character (it is entitled to the presumption of competence in public matters of regional significance). The voivodship's scope of activity does not affect the independence of the county and the municipality. V.t. are mainly of a regional nature, are related to the creation of conditions for the development of the region, the implementation of regional public services and the creation of regional policy. These are the following categories: public education, including higher education; promotion and protection of health as well as social welfare and pro-family policy; culture and protection of its goods; modernization of rural areas, environmental protection and water management, including flood protection; development planning; public transport and public roads; physical culture and tourism; protection of consumer rights; public security and defence; counteracting unemployment and activating the local labour market. The voivodship development policy is the creation of conditions for economic development, obtaining and combining public and private funds in order to implement public utility tasks, rational use of natural resources, supporting science development and cooperation between science and the economy, advancing technological progress, supporting development of culture, as well as protection and rational use of cultural heritage and promotion of the voivodship's advantages and development opportunities. (→ public tasks, region, regional policy) [E. Szulc-Wałecka]

Literature: B. Dolnicki, *Samorząd terytorialny* [Local government], Warszawa 2009 ■ M. Kulesza, H. Izdebski, *Administracja publiczna: zagadnienia ogólne* [Public administration: general issues], Warszawa 2004.

VOIVODSHIP'S STATUTE – a local law act containing constitutional and organisational rules applicable in the area of the voivodship. V.s. is passed by voivodship sejmik after consultation with the President of the Council of Ministers. Provisions of the v.s. regulate the organisation, scope and mode of operation of the voivodship. V.s. should not be simply a repetition of the provisions of the Act, nor can it contain regulations inconsistent with it. Passing the v.s. belongs to the exclusive competence of the sejmik, which is bound in this respect by the provisions of the Act on the voivodship self-government and laws that determine its system. V.s. contains regulations concerning the internal organisation of the sejmik and its committees and rules of operation of the audit commission. It also regulates the rules of creating and operating of councillors' clubs. In v.s. the internal organisation and the mode of operation of the voivodship board are defined, as well as the issue of choosing the marshal, deputy marshals and other members of the board. This act also defines the principles of access to documents for residents and the use of them. V.s. is subject to publication in the voivodship official journal. (→ local law acts adopted by the voivodship) [S. Kozłowski]

Literature: D. Dąbek, *Prawo miejscowe* [Local law], Warszawa 2015.

VOTE OF ACCEPTANCE (Latin *absolutorium* – acquittal, dismissal, acknowledgment) – a form of control of the entities of the executive, performed by → constituting and control bodies. The essence of this control is the assessment of the financial economy – income and expenses. In the Polish systemic order the following can be distinguished: v.a. for the Council of Ministers, first and foremost determined by the provisions of the Constitution and v.a. for the bodies of local-government units, made on the basis of lower rank regulations (acts). Especially in the case of the Council of Ministers, the v.a. can be treated as a specific form of exercising political control over the government by the Sejm. Its specificity is manifested in cyclicality (settlement of the budget year), subsequent character (control and evaluation of budget implementation), inclusion of the factor of legalism and clearly defined control area – the parliament should not be guided by the assessment of global government activity, but only on the financial policy conducted by the Council of Ministers on the basis of a specific budget act. The audit covers the entire financial year, regardless of how many governments implemented the budget act during that time; the report on the implementation of the budget act is then submitted to the Sejm by the current government and covers the entire financial year. Together with the report of the Council of Ministers the opinion of the → Supreme Audit Office on the implementation by the government of the budget act is presented. According to the constitution of the Republic of Poland, the Sejm considers the report submitted by the government and after hearing the opinion of the SAO, it adopts a resolution to grant or to refuse to grant the Council of Ministers the v.a. The refusal to grant the v.a. does not require the government to resign (unlike in the so-called small constitution from 1992), which should be considered as an important element of the rationalization of the parliamentary system of government. In the case of local-government bodies, proceedings in the case of v.a. has several stages. First, the executive body of the local-government unit is obliged to submit to the decision-making and control body (council/sejmik) of the local-government unit the report on the implementation of the budget of the territorial unit by March 31 of the following year. The report is reviewed by the → regional audit chamber, and then the audit commission of the council/sejmik gives opinion on the implementation of the budget and submits a request to the mentioned decision-making and control body to grant (or not) the v.a. to the executive body. The council/sejmik considers the report on the budget implementation presented by the executive body and adopts a resolution on granting (or not granting) the v.a. The council/sejmik adopts the resolution by the majority vote in the presence of at least half of the composition of the body, however, the provisions of the laws on county and voivodship self-government clearly state the open nature of the vote. The resolution of the council/sejmik on not granting the v.a. (or rejection of the application for v.a.) is treated as the submission of the application to dismiss the executive body (in the municipality – taking the initiative to hold a referendum on the dismissal of the village mayor/mayor/president of the city). [T. Słomka]

Literature: S. Bożyk, *Sejm w systemie organów państwowych RP* [The Sejm in the system of state bodies of the Republic of Poland], Warszawa 2009 ■ I. Szymańska, *Absolutorium jednostek samorządu terytorialnego* [Vote of acceptance of local government units], "Budżet Samorządu Terytorialnego" 2000, issue 9, www.rzeszow.rio.gov.pl, 20.11.2017.

VOTE OF NO-CONFIDENCE (Latin *votum* – wish, gift, expression of opinion) – a resolution, a decision expressed in a vote of the parliament stating a lack of trust and a negative assessment of someone's activity, e.g., politics and activities of the → Council of Ministers or its member(s), causing his/her/their immediate resignation. A contradiction to vote of no-confidence is a **vote of confidence** – a vote on the resolution of the parliament (or any other body) that is an expression of support, trust for the policy or activities. There are two types of the vote of no-confidence: the so-called regular and the so-called constructive vote of no-confidence. To pass a regular vote of no-confidence a majority of votes is required (usually absolute majority), the vote is usually only on the motion to remove the current head of government, minister or the entire cabinet. When it comes to the constructive vote of no-confidence, a necessary agreement is required (by the majority of the members of the parliament, usually absolute) for the removal of the current prime minister while at the same time appointing a new one in his/her place. Thus, in one vote the parliament expresses its support – or refuses it – to dismiss the current head of government and appoint a new one. This means that in the situation of obtaining the required majority (passing the vote), the position of the head of government is changed – a new prime minister is appointed. [M. Kaczorowska]

Literature: S. Patyra, *Konstruktywne wotum nieufności jako formuła tworzenia i dymisji Rady Ministrów* [Constructive vote of no-confidence as a form of creation and dismissal of the Council of Ministers], "Przegląd Sejmowy" 2001, no. 1 ■ T. Wieciech, *Wotum nieufności w parlamentaryzmie westminsterskim* [A vote of no-confidence in Westminster parliamentaryism], "Przegląd Sejmowy" 2010, no. 6.

W

WATCHDOG ORGANISATIONS – these are (most often) → non-governmental organisations whose statutory goal is the civic control of public authorities or, less frequently, the business sector. A *watchdog* is a term that literally means a guarding dog. The **watchdog activity** carried out by these organisations means civic control over the broadly understood institutions of power – the general goal is to look after the public interest. These are initiatives of civil organisations and the media consisting in observing the activities of institutions and public figures leading to increased transparency and the rule of law of public life. This control has first and foremost a qualitative dimension. W.o. monitor the way money is spent, the legislative processes, reliability, honesty and efficiency of the authorities, but also seek to change the situation. In particular, they deal with issues such as the observance of human and civil rights, the rights of disabled people, anti-corruption, as well as issues related to the operation of coercive forces (police, special services) and prosecutors and courts – in terms of respecting the rights of the detained, the use of coercive measures, surveillance and eavesdropping, the integrity of court proceedings, the conditions of isolation sentences, etc., civil liberties (freedom of speech, association, assemblies, etc.). In the area of public administration, the interests of w.o. most often concern access to → public information, protection of citizen's data, equal treatment during the provision of administrative services. The supposed effect of watchdog activities (especially at the local level) is determining whether there exist such phenomena as: lack of procedures regulating certain areas; distortion of the implementation of existing procedures; abuse of power to pursue individual interests; improper treatment of clients . W.o. often work on the basis of a developed methodology, using similar techniques as social sciences – participant observation, document analysis, questionnaire or focused interviews. They usually avoid (as other non-governmental organisations) contractual relationships with administrative bodies, but they participate in public consultations, advisory bodies, support actions of courts ("friend of the court") or ombudsmen. W.o. operate at both national and local levels. They also cooperate extensively with international organisations for the protection of human rights. In Poland, the beginning of watch-keeping dates back to the end of the 1980s, when the Helsinki Foundation for Human Rights was established on the basis of the Helsinki Committee. In the 1990s, Polish non-governmental organisations were broadly interested in the problem of corruption. The Polish watchdog movement is supported by the Association of Civic Network – Watchdog Poland, which organises training courses for guards and prepares publications on watchdog activity. [D. Długosz]

Literature: K. Batko-Tołuć, K. Izdebski, *Organizacje strażnicze w Polsce. Stan obecny, wyzwania, perspektywy* [Watchdog organisations in Poland. Current status, challenges, perspectives], Warszawa 2012 ■ https://siecobywatelska.pl [access: November 2018].

WEBER MAX (1864–1920) – a prominent German sociologist, philosopher, lawyer and economist. The creator of many concepts that have had an overwhelming influence on the contemporary theory and social research. His interests focused on social theory, methodology of social sciences, economic sociology, religion, politics and law, organisational theory, as well as historical sociology. In his research on society, Weber analysed the processes that underlie the rise of modern capitalism and modern societies. He maintained that there was a strong relationship between the development of capitalism and the Protestant values. An important contribution of Weber to the theory of politics was the introduction of a typology of political reign and its division into traditional, legal and charismatic reign. He pointed out that with the development of bureaucracy, the modern state is increasingly based on rational, legalistic power. The **Weberian model of bureaucracy** is an important contribution to the theory of organisation and it is reasonable to perceive it as the cornerstone of modern administration (→ model of bureaucracy). The features of this modern bureaucracy were supposed to be impersonality, rationality, specialization, achievement-oriented civil service, free from arbitrariness and discretion characterizing earlier ways of setting up a clerical apparatus. Its distinguishing features were also: monocratic official hierarchy, basing on impersonal regulations, documenting activities, separation of officials from property, stability of employment, qualifications, apoliticality and centralised control. Weber, though he considered the bureaucracy to be technically dominant, was concerned about its potentially destructive influence on individuals. His fears about the consequences of the bureaucratization of the social world reflect the metaphor of the iron cage. The cage is a metaphorical instrument of the dominant power, in which the bureaucracy seems to be a system of legitimizing power over its members, neutralizing their autonomy and the manner of uniformizing opinions and attitudes. (→ politics and administration according to Weber) [S. Mazur]

Literature: M. Weber, *Gospodarka i społeczeństwo* [Economy and Society], Warszawa 2002 ■ M. Weber, *Polityka jako zawód i powołanie* [Politics as a Vocation], [in:] M. Weber, *Racjonalność, władza, odczarowanie* [Rationality, rule, breaking a spell], Poznań 2011 ■ M. Weber, *From Max Weber: Essays in Sociology*, ed. and intro. H.H. Gerth, C.W. Mills, B.S. Turner, London 1991.

WELFARE STATE – aims to protect citizens against the risks associated with the operations of market economy, in particular the risk of losing their job, health, as well as the risk associated with old age; also a group of state institutions that provide social benefits and services to citizens. The policy of w.s. is

implemented, generally, through the redistribution of income – financing of benefits and services – by means of the state budget, through social insurance, legal regulations for the operation of companies and the labour market. In addition to unemployment benefits, health care financing and pension programmes, over time, the state also began to finance help for families, housing programmes, equalizing the chances of social minorities, preparing for the profession, training the unemployed, social assistance programmes for those affected by poverty. The doctrine of w.s. was born on the basis of criticism of the assumptions of traditional liberalism based on the concept of the state as the "night watchman". The w.s. programme thus consisted of the theory of the positive, or active, role of the state. The term *welfare state* appeared in Great Britain during World War II in opposition to the German *warfare state* and at the same time as a symbol of British unity. In the USA, the term *welfare* has a different meaning and means social help for the helpless. One can speak of w.s. in relation to the most economically advanced countries after World War II, in which the civilization of capitalism shaped in the 18th and 19th centuries was modified. Until the 1960s, the fight against unemployment, based on → Keynes's theory, was an element of the policy of the w.s. Until the end of the 1960s, w.s. was considered an undisputed social achievement – a group of institutions that allows combining effectiveness that is a product of the market with social security. Criticism of the w.s. appeared in the stagflation of the 1970s, and attempts to reduce and reconstruct it in individual countries have appeared at least since the 1980s.

Supporters of the w.s. are of the opinion that the benefits associated with it include: encouraging personal development by protecting individuals against social poverty; fostering greater productivity of the society through a healthier and better educated labour force; increasing social cohesion by ensuring everyone's participation in the society. **Critics** are of the opinion that it hampers economic growth through higher tax burdens; it reduces poverty but it does not address structural inequalities and discrimination; it creates dependence by reducing the fear of poverty, and thus reducing the motivation to work.

In Germany, the development of w.s. was started by Otto von Bismarck in the 1880s with compulsory health and unemployment insurance; its institutions were developed by the Weimar Republic, they survived the Third Reich period and were expanded in the 1950s. On the other hand, in Great Britain the social legislation was created at the beginning of the 20th century (the stages of doctrine forming include social reforms in England in years 1906–1914 and the Labour Party's rule in 1945–1950), and Beveridge's plan (1942, *Social Insurance and Allied Services. The Beveridge Report in Brief*) was a breakthrough and had symbolic significance. It contributed to the popularisation of social security and the introduction of public health care. In Sweden, w.s. started in the 1930s. In

the USA, social security institutions were created during the New Deal period (1933–1939) under the administration of President Franklin Delano Roosevelt, and the programme of Great Society (Great Society, 1963–1969) of President Lyndon Johnson was similar to the idea of the European w.s.

There are three models of w.s.: liberal, corporate-conservative and social-democratic. They differ in: the scope of responsibility they impose on the individual, family, lower-level communities – professional, territorial and state; institutional construct; the scope of eliminating social differences; level of benefits; share of social security expenditure in GDP. [J.G. Otto]

Literature: K. Dziubka, B. Szlachta, L.M. Nijakowski, *Idee i ideologie we współczesnym świecie. Wielkie tematy* [Ideas and ideologies in the modern world. Big subjects], Warszawa 2008 ■ A. Heywood, *Politologia* [Political science], Warszawa 2006 ■ *Przewodnik po współczesnej filozofii politycznej* [A guide to contemporary political philosophy], ed. R.E. Goodin, F. Pettit, Warszawa 2002.

WHISTLEBLOWER ("to blow the whistle" – "to raise an alarm") – employee who reported malpractices or their suspicion in public interest. Speaking out in such cases by w. is defined in the law as the "protected disclosure". Protection against potential reprisals is usually granted to w. under two essential conditions: (1) making a disclosure in public interest – w. passes information concerning a public good protection, neither for the sake of his/her own gain nor in the name of personal interest; (2) making a disclosure in the good faith (*bona fides*) – while reporting, w. has reasonable belief that disclosed information it true, what during further investigation might be verified positively or not. Characteristic features of w. is his/her actual or former membership in organisation which disclosed information is about and holding position which does not authorize his/her to counteract malpractices by himself/herself, regardless of the fact whether his/her identity is known and whether informing is a part of his/her professional duty (vide auditor) or not. W. reports information to dedicated body which is able to investigate it, inside or outside he/his organisation, or when such body does not exist or its credibility is doubtful, discloses directly to the public opinion. Reporter cannot be considered as w. when he/she is aware of falseness of information, obtained it by breaking the law or keep engaged in illegal practices. The first time a word "whistleblowing" was used by American attorney Ralph Nader specialized in consumers cases in 1972, who understood this term as an activity of people who in belief that public interest is more important than particular interest of organisation for which they work, inform about corruption and illegal and unfair practices in the workplace. Polish equivalent of the term "whistleblower" – "sygnalista" appeared in the public debate and media discourse in Poland in first decade of XXI century, when it has been promoted by coalition of non-governmental organisations against corruption. Polish law does not contain neither legal definition nor legal guarantees of safety dedicated to employees who report their concerns. Statutory

whistleblowers protection in both private and public sectors has been introduced in many countries of the world, e.g. in the USA, the United Kingdom, the Republic of South Africa and Japan. International organisations such as the United Nations, the Organisation for Economic Co-operation and Development and the Council of Europe advocate for strengthening whistleblowers' protection. The European Court of Human Rights in its judgments has developed legal criteria which its judges apply in order to assess whether employee who reported malpractices deserves for protection or not. (→ whistleblowing scheme) [M. Waszak]

Literature: A. Ploszka, *Ochrona demaskatorów (*whistleblowers*) w orzecznictwie ETPCz* [Protection of whistleblowers in ECtHR judgments], "Europejski Przegląd Sądowy" 2014, no. 4 ■ W. Vandekerckhove, *Whistleblowing and Organisational Social Responsibility: A Global Assessment*, Burlington 2000 ■ A. Wojciechowska-Nowak, *Ochrona sygnalistów Polsce. Stan obecny i rekomendacje zmian* [Protection of whistleblowers in Poland. Current status and recommendations for changes], Warszawa 2012.

WHISTLEBLOWING SCHEME – set of arrangements implemented by the management of organisation and addressed to its employees, besides them also partners, contractors, subcontractors, investors, beneficiaries and consultants who have information about malpractices in how this organisation works and wish to disclose it to a body or person responsible for verification of tip. (→ whistleblower) Origins of standards of w.s. establishing and working came from guidelines recommended and promoted by international institutions (the United Nations, the Organisation for Economic Co-operation and Development, the Council of Europe), non-governmental organisations (Transparency International) and from principles of business ethics that are adopted voluntarily by companies and from national legislations. The most important features of w.s. are: keeping whistleblowers and his/her personal data confidential; making anonymous reports possible; providing guarantees of protection for whistleblowers against reprisals; assurance of a report verification and call to account those who are guilty of malpractices; easy access for all interested in taking advantage of the system. W.s. might be managed by organisation itself, for example when the service is provided by employee holding the position of ethical advisor or by department of internal control, or might be operated externally, through the hired lawyer support and/or company which offers its own safe channels for disclosure reporting. In w.s. there is a practice of direct reporting to statutory bodies of organisation, representatives of supervisory body, members of audit and ethics committees. Channels of reporting about malpractices the most often rely on contacts via phone, e-mail or on-line form, which do not allow to recognize the whistleblower's identity, unless he/she decide to introduce by himself/herself. Obligation of w.s. implementation according to specific criteria might be result of national law – in Poland it exist in the area of financial sector. Common obligation of using w.s. which cover all entities of public sector and private

companies with minimum 50 employees was introduced i.e. in the Netherlands, Slovakia and Hungary. [M. Waszak]

Literature: D. Lewis, W. Vandekerckhove, *The Content of Whistleblowing Procedures: A Critical Review of Recent Official Guidelines*, "Journal of Business Ethics" 2012, nr 108 ■ *Sygnaliści w Polsce okiem pracodawców i związków zawodowych* [Whistleblowers in Poland through the eyes of employers and trade unions], ed. G. Makowski, M. Waszak, Warszawa 2016 ■ *The Business Case for 'Speaking Up': How Internal Reporting Mechanisms Strengthen Private-Sector Organizations*, Transparency International 2017.

A list of laws in force referred to in the content of *Encyclopedia* entries (as of 20th December 2019)

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The Act of 14th June 1960 – The Code of Administrative Procedure; a uniform text: Dz.U. (Journal of Laws) from 2017, item 1257.

The Act of 23rd April 1964 – The Civil Code; a uniform text: Dz.U. (Journal of Laws) from 2017, item 459.

The Act of 17th June 1966 on enforcement proceedings in administration; a uniform text: Dz.U. (Journal of Laws) from 2017, item 1201.

The Act of 26th June 1974 – The Labour Code; a uniform text: Dz.U. (Journal of Laws) from 2016, item 1666, with further amendments.

The Act of 16th September 1982 on employees of state offices; a uniform text: Dz.U. (Journal of Laws) from 2017, item 2142.

The Act of 6th April 1984 on foundations; a uniform text: Dz.U. (Journal of Laws) from 2016, item 40.

The Act of 22nd March 1989 on craft; a uniform text: Dz.U. (Journal of Laws) from 2016, item 1285.

The Act of 17th May 1989 on guarantees of freedom of conscience and faith; Dz.U. (Journal of Laws) from 1989, no. 29, item 155.

The Act of 17th May 1989 on the relationship of the State towards the Catholic Church in the Republic of Poland; a uniform text: Dz.U. (Journal of Laws) from 2013, item 1169.

The Act of 30th May 1989 on economy chambers; a uniform text: Dz.U. (Journal of Laws) from 2017, item 1218.

The Act of 8th March 1990 on municipality self-government; a uniform text: Dz.U. (Journal of Laws) from 2017, item 1875, with further amendments.

The Act of 23rd May 1991 on trade unions; a uniform text: Dz.U. (Journal of Laws) from 2015, item 1881.

The Act of 23rd May 1991 on employers' organisations; a uniform text: Dz.U. (Journal of Laws) from 2015, item 2029.

The Act of 14th June 1991 on the National School of Public Administration (KSAP) from 1993 r.; a uniform text: Dz.U. (Journal of Laws) from 2017, item 1411.

The Act of 4th July 1991 on the relationship of the State towards the Polish Orthodox Church; a uniform text: Dz.U. (Journal of Laws) from 2014, item 1726.

The Act of 25th October 1991 on organising and conducting cultural activities; a uniform text: Dz.U. (Journal of Laws) from 2017, item 862.

The Act of 13th May 1994 on the relationship of the State towards the Evangelical Church of the Augsburg Confession in the Republic of Poland; a uniform text: Dz.U. (Journal of Laws) from 2015, item 43.

The Act of 14th December 1995 on agriculture chambers; a uniform text: Dz.U. (Journal of Laws) from 2016, item 1315.
The Act of 8th August 1996 on the Council of Ministers; a uniform text: Dz.U. (Journal of Laws) from 2012, item 392.
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The Act of 21st August 1997 on restricting business activities by persons performing public functions; a uniform text: Dz.U. (Journal of Laws) from 2017, item 1393.
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The Act of 5th June 1998 on voivodship self-government; a uniform text: Dz.U. (Journal of Laws) from 2017, item 2096.
The Act of 24th July 1998 on implementing the basic three-tier division of the territory of the State; Dz.U. (Journal of Laws) from 1998, no. 96, item 603.
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The Act of 25th March 2011 on limiting the administrative barriers for citizens and entrepreneurs; Dz.U. (Journal of Laws) from 2011, no. 106 item 622.
The Act of 21st February 2014 on the village fund; Dz.U. (Journal of Laws) from 2014, item 301.

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