

Poland

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

The end of communism initially reinforced state centralization because regional administrations were perceived as tools of communist party influence. The first post-communist government brought regions under central control and made elected regional councils advisory rather than authoritative.

Territorial governance consisted of forty-nine deconcentrated *województwa* (regions) and more than 2400 elected *gminy* (local governments), with only local governments granted the constitutional right of self-government (C 1992, Art. 70; Glowacki 2002; Law No. 16.95/1990 and No. 142.1591/2001).

After a constitutional reform in 1997 that recognized regional self-governance (C 1997, Art. 164), two decentralized tiers of intermediate government were created: sixteen elected *województwa* and 380 elected *powiaty* (county) governments, including 66 cities with *powiaty* status (Law No. 91.578/1998; No. 91.576/1998; and No. 96.603/1998). This dovetailed with prodding from the European Commission to create an intermediate governance tier for structural funds allocation, but there were also strong domestic pressures to decentralize (Czernielewska, Paraskevopoulos, and Sziachta 2004; Ferry and McMaster 2005; O'Dwyer 2006; Yoder 2003, 2007). *Województwa* have an average of 2.4 million inhabitants and the cities with *powiaty* status (*miasto na prawach powiatu*) have an average of 193,000 inhabitants. The *powiaty*, with average of 82,000 inhabitants, do not meet the population threshold for regional government.

Województwa started functioning in 1999. They have authority over regional development policy, spatial planning, health care, higher education, EU structural funds, social and labor market policy, cultural heritage, regional roads, and environmental protection (Council of Europe: Poland 2000; Glowacki 2002; Kowalczyk 2000; Law No. 91.576/1998, Art. 14). They have no authority over local government, police, or their own institutional set up. *Województwa* contend with a parallel deconcentrated government structure in the region, headed by a centrally appointed prefect (*wojewoda*), who oversees implementation of central policies in social care, environmental protection, and the police and who supervises regional and local government (Committee of the Regions 2005; Council of Europe: Poland 2015).

In 2009, a law reduced the role of the *wojewoda* to supervising *powiat* and municipal governments, auditing, managing emergency situations, and ensuring public order and collective security (Brusis 2014; Council of Europe: Poland 2015, 2019; Dąbrowski 2013; Law No. 31.206/2009). The law also transferred some tasks in agricultural consulting and landscape protection from the prefect to the *województwa* and some delegated tasks were transformed into independent tasks, for example, regional rail transport and waste management (Brusis 2014; Law No. 31.206/2009).

Cities with county rights (*miasto na prawach powiatu*) are municipalities which also have the

status of a county (*powiat*). The 66 cities with county rights comprise a total of 12.7 million inhabitants which is a third of the total Polish population. *Powiaty* were introduced in January 1999 together with the *województwa* (Council of Europe: Poland 2019). County rights were granted to cities which had more than 100,000 inhabitants and to the capital cities of Poland (Warsaw) and of each of the *województwa* (Council of Europe: Poland 2019; Law No. 91.578/1998, Art. 91). *Powiaty* are responsible for agriculture, culture, environment, health promotion, hospitals, public transport, secondary education, social assistance, water supply, and welfare services (Law No. 91.578/1998, Art. 4). In their capacity as municipality (*gminy*), cities with county rights also exercise competences in cemeteries, health protection, libraries, market places, roads, spatial development, sport facilities, and tourism (Council of Europe: Poland 2015, 2019; Law No. 16.95/1990, Art. 7).

Between 1994 and 2002, the capital city of Warsaw (*miasta stołecznego Warszawy*) was a communal association consisting of eleven municipalities with a common capital city council which implemented competences delegated by the central government related to providing custody for embassies and international organizations and preserving monuments. The capital city of Warsaw could also exercise the competences laid down in the local government law and it was responsible for spatial development, infrastructure, and supporting the eleven member municipalities (Council of Europe: Poland 2002; Law No. 48.195/1994, Arts. 1–2, and 5). *Miasta stołecznego Warszawy* scores 1 on policy scope.

In 2002, the capital city of Warsaw as well as the Warsaw *powiat* were abolished and the eleven member municipalities of the former capital city of Warsaw merged into a city with *powiaty* rights (Law No. 41.361/2002, Arts. 1, 13 and 16). Warsaw has no additional competences compared to other cities with county rights apart from some tasks regarding foreign diplomatic representations and international organizations (Council of Europe: Poland 2015, 2019; Law No. 41.361/2002, Art. 3).¹ Warsaw has eighteen boroughs (*dzielnica*) which have directly elected councils with executive boards accountable to them (Law No. 41.361/2002, Arts. 8–10).²

¹ We include the Warsaw population into the *miasto na prawach powiatu* from 2002 onwards.

² Warsaw collaborates with neighboring municipalities on issues of spatial planning and public transportation through the Warsaw Metropolitan Area (*Aglomeracja warszawska*) but this is not a local authority in its own right (Council of Europe: Poland 2015). Similarly, the Metropolitan Association of Upper Silesia and Dąbrowa Basin (*Górnośląsko-Zagłębiowska Metropolia*) or the Silesian Metropolis (*Metropolia Silesia*) is an inter-municipal organization of 14 cities with *powiaty* rights and 30 *gminy* to collaborate on road, rail, and air transportation (Law No. 1290/2017). A law on metropolitan districts adopted in September 2015 would establish a metropolitan district (*związki metropolitalne*) when at least 50 per cent of the *gminy* and 70 per cent of cities with *powiaty* rights would participate. The districts would be responsible for urban planning, public transport, and waste management and would be financed through nine per cent of personal income tax paid by the inhabitants of the district. However, the law was repealed in April 2017 when only *Metropolia Silesia* was established. *Metropolia Silesia* remained in place when the law was repealed but its main task concerns only public transport and is considered to be task-specific (Council of Europe: Poland 2019; Lackowska and Norris 2017; Mikula, and Kaczmarek 2017).

FISCAL AUTONOMY

Województwa receive a share of personal income tax and corporate income tax, for which the central government sets the base and rate (Council of Europe: Poland 2015; Filas, Levitas, and Piszcek 2002). The transition from deconcentrated to decentralized governance in 1999 did not appreciably alter the fiscal autonomy of the *województwa*, though a reform in late 2003 increased their share of personal income tax and corporate income tax (Law No. 203.1966/2003, Art. 6; Yoder 2007).

Powiaty are dependent on intergovernmental transfers from the central government but in their capacity as municipality, *miasto na prawach powiatu* can set the rates of a property tax and a tax on means of transportations within boundaries set by the central government (Council of Europe: Poland 2000, 2015, 2019; Law No 9.31/1991, Arts. 2–5, 8–10; No. 91.578/1998, Art. 56; Sakowicz 2017: 346–349; Swianiewicz 2014: 195–198). *Miasta stołecznego Warszawy* was dependent on intergovernmental transfers and received 50 per cent of the share in corporation tax revenues allocated to the eleven member municipalities (Law No. 48.195/1994, Art. 12).

BORROWING AUTONOMY

Before 1999, local authorities in Poland could take out loans on the condition that the net cost of borrowing did not exceed 15 percent of their revenues. In addition, bonds could not exceed 20 percent of expenditures (Council of Europe 1996). *Województwa* and *miasto na prawach powiatu* had to submit budgetary decisions (including taking out loans) to the Regional Audit Office, which was partly composed by members selected by the regional council but accountable to the national government (Council of Europe: Poland 2000, 2002).

Since 1999, the law on public finance imposes three types of restrictions (Filas, Levitas, and Piszcek 2002; Kowalczyk 2000; Law No. 155.1014/1998, Arts. 113–115). First, payments on the annual debt service may not exceed 15 percent of annual revenues and total outstanding debt may not exceed 60 percent of annual revenues (Council of Europe 2000). Second, subnational borrowing is conditional on the borrowing needs of the national government in that the consolidated public debt may not exceed 50 percent of gross domestic product (GDP). Finally, subnational governments are required to submit draft budgets for review by a central government agency. This agency may reject the budget if debt exceeds the statutory amount (Joumard and Kongsrud 2003; OECD 2001).

Miasta stołecznego Warszawy was not allowed to borrow (Law No. 48.195/1994, Art. 12).

REPRESENTATION

From 1990–1998, *województwa* had an advisory council composed of delegates from *gminy* (local governments), while the executive head was appointed by the central government (Kowalczyk 2000: 220–222). Since 1999 *województwa* have popularly elected councils, with elections taking place every four years (Law No. 95.602/1998). The executive and *marszałek* (head of the executive) are elected by the council. Regional governance continues to be dual because of the office of the *wojewoda*, who is appointed by the central government (Council of Europe: Poland

2015, 2019; Law No. 91.577/1998, Arts. 10–26; Swianiewicz 2006).

The council (*rada miasta*) of *miasto na prawach powiatu* is directly elected every five years (four years before 2018) and the council elects a chairman (*przewodniczącego*) (Law No. 95.602/1998, Arts. 2–3). Between 1999 and 2001, the city mayor (*prezydent miasta*), who is the head of the executive, was elected by and from the council. The city mayor is directly elected since 2002 (Council of Europe: Poland 2019; Law No. 113.984/2002, Art. 2; Swianiewicz 2014: 187–195).

The capital city council of Warsaw (*rada miasta stołecznego Warszawy*) was directly elected and the council elected the executive (*zarząd*) which consisted of a president (*prezydenta*) and vice-presidents (*wiceprezydenci*) (Law No. 48.195/1994, Arts. 7, 9, 32).

Shared rule

There is no power sharing for *województwa* and *miasto na prawach powiatu*.

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Self-rule in Poland

			Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
							Assembly	Executive	
Województwa	I	1990-1998	1	0	0	1	1	0	3
	I	1999-2018	2	2	0	1	2	1	8
Miasta stołecznego Warszawy	II	1994-2001	2	1	0	0	2	2	7
Miasto na prawach powiatu	II	1999-2018	2	2	1	1	2	2	10

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