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Polish Experience in the Search for the Optimal Model of Performing and Financing Metropolitan Tasks

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Abstract: For nearly 25 years, the problem of managing public affairs in metropolitan areas in Poland has been present in the public debate and the legislative process. The aim of the study is to analyse and evaluate the projects and adopted acts dedicated to such areas. Using legal dogmatics and historical and legal methods, successive attempts have been made to adopt a legal basis for managing metropolitan areas and performing and financing metropolitan tasks, both in the form of a single act, regulating the organisation and functioning of metropolitan self-government throughout the country using a comprehensive and framework approach and legal solutions dedicated to only one metropolitan area. In 2017, the first and so far the only metropolitan union in Poland was established in the Silesian Voivodeship. It was determined that the search for appropriate organisational forms for the performance and sources of financing metropolitan tasks had not yet been completed. So far, an agreement has been reached on the choice of a statutory functional solution based on the structure of a metropolitan union and a catalogue of metropolitan tasks, separate from the public tasks of municipalities and districts. The metropolitan union was provided with financing from the state budget.

Keywords: municipal cooperation, metropolitan area, metropolitan union, metropolitan district

1. Introductory remarks

Since the restitution of the local self-government in Poland in 1990, its system has been subject to specific evolutionary processes. Although the most important organisational and functional problems have already been resolved, optimal methods of performing specific public tasks and their sources of financing are still being sought.

The unification of functions, tasks and sources of income of local self-government units (especially municipalities) carried out at the stage of determining the political and financial basis for the functioning of local self-government, the successive transfer from the sphere of government administration of tasks to be performed subsequently by the local self-government, and even taking immediate needs into account (the need to secure the current needs of the state budget during the public finance crisis at the turn of the

20th–21st century or the challenges faced by local self-government in the conditions of the Covid-19 pandemic) were the premises for the growing interest on the part of local self-government in instruments to correct the regulations adopted in this field and developing various forms of intermunicipal cooperation (IMC) (Ofiarska, 2022).

This problem has been identified and analysed in the world literature for many years (Hulst & Montfort, 2007; Teles, 2016; Swianiewicz & Teles, 2018). In the last decade, detailed research into the essence and legal nature of cooperation, its motives and barriers as well as problems regarding the organisation, functioning and results of intermunicipal cooperation has been conducted in Western European countries, including France (Boyer, 2012), Germany (Stork, 2012), Switzerland (Steiner & Kaiser, 2018), Austria (Matschek, 2011) and the Netherlands (Allers & de Greef, 2018), Southwest, Spain (Bel et al., 2013), Portugal (Camões et al., 2021), South, that is, Italy (Marotta et al., 2018) and Slovenia (Rakar et al., 2015), and North (Wiberg & Limani, 2015) and Central and Eastern Europe, including Hungary (Balázs, 2014; Hoffman et al., 2016), Poland (Kołsut, 2015; Dolnicki, 2018; Ofiarska & Ofiarski, 2021), the Czech Republic (Bakoš et al., 2020) and Slovakia (Grešová, 2016). Intermunicipal cooperation is also the subject of numerous studies in non-European countries, such as the United States (Warner et al., 2021), Canada (Spicer, 2015) and various Latin American countries (Yurisch et al., 2019; da Silva et al., 2020).

In Poland, the issue of cooperation between LGUs is gaining importance, especially in connection with the legislator's work on finding an effective legal formula for managing metropolitan areas. The last decade was therefore dominated by studies of the system of metropolitan areas and the search for appropriate forms of cooperation for the performance of public tasks in such areas. These issues are the subject of research conducted from various perspectives, mainly economics and finance, management and quality sciences, administration and legal sciences (Szlachetko & Gajewski, 2016; Ofiarska, 2017; Szydło, 2018; Szlachetko, 2021), and cover various issues of a specific nature. The reason for conducting such research is the necessity, diagnosed by practice and doctrine, to supplement the current structure of the public administration apparatus in its self-government sphere with entities capable of efficiently and effectively meeting the collective needs of residents, combined into one organism with neighbouring local self-government units through a combination of mutual dependencies resulting from functional, social, economic and cultural (Dolnicki, 2020, pp. 73–74) links. Initially, the main problems in the metropolitan discourse (scientific discussions and political debates) were primarily the delimitation and legal regulation of the status of metropolitan areas and urban functional areas. Later, in connection with the choice of the statutory functional solution based on the structure of the metropolitan union, these were accompanied by discussions on the legal nature and catalogue of statutory public tasks of the metropolitan union and the search for adequate sources of income to finance these tasks. The issues regarding the management of metropolitan areas have also gained special importance in connection with the adoption of appropriate instruments for implementing the European Union's regional policy (see Krukowska & Lackowska, 2017).

The problem is universal, interdisciplinary and complex, as evidenced by, inter alia, 30 years of attempts to adopt systemic solutions for large cities and the surrounding

municipalities. The need to formulate special solutions for urban areas was already expressed during the work on the draft of the first act on local self-government, adopted by Parliament in 1990. However, the first act on local self-government ignored the incompletely identified specific opportunities and needs of metropolitan areas. Neighbouring towns and municipalities were authorised to cooperate only on a voluntary basis (e.g. in the form of intermunicipal unions and associations), then it was recognised that legally regulated universal (analogous to urban, rural and urban–rural municipalities) forms of activity would be sufficient. The next stage of state system reform, consisting of the expansion of local self-government by districts (units of supra-municipal local self-government) and self-government voivodeships (units of regional self-government), in 1998, did not resolve the basic problems of metropolitan areas as the institutional solutions to managing metropolitan affairs in such areas were omitted. There was also a lack of legal solutions to enable the efficient and effective performance of metropolitan tasks needing to be performed by the local self-government units in such an area. The failure of voluntarily created municipal unions to develop and coordinate specific public tasks was also due to the lack of a stable source of income and the inability to cooperate with local self-government units at other levels. The abandonment of metropolitan reform in Poland was largely due to, on the one hand, the different positions of political parties (including coalition ones) in Parliament and the government's indecisive actions, and, on the other hand, different visions of the objectives and process of reform among different levels of local self-government.

The aim of the study is to indicate the main directions of the assumptions of draft acts and adopted acts, prepared on the basis of various initiatives, dedicated to the problems of managing public affairs at the metropolitan level. The thesis was verified that the normative concept of the metropolitan union finally adopted in Poland is a compromise between various expert assumptions submitted for nearly 30 years. At the same time, the introduction of one universal model of a metropolitan union was abandoned in favour of individualised solutions that took the specificity of particular metropolitan areas into account. Therefore, the subject of the analysis and evaluation were both the binding regulations constituting the legal basis for the organisation of the functioning metropolitan union association in the Silesian Voivodeship, and those proposed in the draft acts on the establishment of metropolitan unions, submitted unsuccessfully to the Sejm during the previous (2015–2019) and current term of office (until 30th March 2022). The analysis was carried out according to the process of regulating the basic aspects of metropolitan management: defining metropolitan tasks, indicating the essence of the metropolitanisation process, in the case of Poland implemented by creating a metropolitan union, establishing the foundations for creating the composition of a metropolitan union and determining the material foundations of its functioning. Using legal dogmatics, as well as historical legal methods, successive attempts were made to adopt the legal foundations for managing metropolitan areas and performing and financing metropolitan tasks.

Attempts to appoint metropolitan boards to control the development of the metropolitan area have been made in many European countries. However, metropolitan management is implemented in various organisational and legal forms and in diversified spatial frameworks. The past experience of European countries shows that the basic models

of the metropolitan system are solutions based on voluntary cooperation between local self-government units or through the establishment of general metropolitan units (metropolitan districts, metropolitan regions). The choice of the right organisational form for solving metropolitan problems is mainly determined by the systemic, political, historical, settlement and economic specificity of a given area. An evolutionary shift from forms based on voluntary cooperation to the establishment of general-metropolitan units is also visible.

The presented Polish assumptions and projects were mainly prepared in response to the experience gained from the operation of voluntary forms of cooperation, which indicated that solutions based on the use of municipal union institutions did not bring the expected results to large cities and metropolitan areas. Metropolitan initiatives and projects in which the search for an appropriate systemic concept for the capital city of Warsaw was sought will remain outside the scope of considerations (Niziołek, 2007; Izdebski, 2015), due to the specific features of this metropolitan area and the unique statutory changes implemented, establishing, inter alia, structures and forms of cooperation (ranging from the autonomy of urban districts designed as independent municipalities to the concept of an integrated city with urban districts devoid of autonomy in practice and performing limited functions). The analysis of assumptions and draft acts, as well as the adopted statutory solutions to the problems of managing public affairs at the metropolitan level will enable certain universal phenomena and tendencies that are also visible in studies of metropolisation processes occurring in other contemporary European countries to be identified.

2. Genesis and assumptions of selected concepts and drafts of legal solutions dedicated to large cities, agglomerations and metropolises (1990–2013)

Problems in the system of metropolitan areas already featured in the public debate during the initial period of the political transformation in Poland. At that time, it did not gain a proper place in the public debate nor in the work of the government administration. In 1993, as part of the Joint Commission of the Government and the Local Self-Government, a board for the metropolitan system was established to develop systemic assumptions for the functioning of public authorities in metropolitan areas. In this period, work aimed at introducing another reform of public administration was carried out and new systemic solutions were sought in relation to large cities in order to prepare them to perform the functions of cities equal to districts in the future. In the draft act on district self-government of 1993, it was proposed to adopt solutions defining the essence of metropolitan complexes and establishing the rules for their creation, organisation and functioning as well as financing. The above proposal to define the legal status of metropolitan complexes was assessed as debatable and leading to the creation of not only a separate, but also a supra-district level of local self-government (Kieres, 1994, p. 79).

In the same period, other attempts were made to develop future systemic solutions for large cities, but they were temporary and experimental in nature, constituting *de facto* a prototype for the future district. These were the goals of the so-called pilot programme of public administrative reform (intended for large cities) starting in 1993, the substantive continuations of which were municipal public service zones functioning until 1 January 1999 (intended for smaller cities and the surrounding municipalities).

In the following years, several concepts concerning the legal position, tasks, organisation and principles of functioning and financing of large cities, agglomerations and metropolises, of a standardised or tailored nature (to a specific agglomeration/metropolis), developed by both representatives of the doctrine and teams appointed by government administrative bodies (Minister of the Interior and Administration, Silesian Voivode) or parliamentary groups, were discussed and assessed.

The concept of a metropolitan district was universal in nature, proposed in 2005 in a comprehensive draft act amending the act on introducing the basic three-tier territorial division of the state and amending certain other acts concerning local self-government, prepared in 2004–2005 for the purposes of the National Development Plan project for 2007–2013. An important element of the project was the creation of 12 metropolitan districts, including a special capital district with regional status (Izdebski, 2014, p. 276, 378), carrying out, in addition to the tasks typical of a district, also tasks characteristic of a metropolitan district. This project was not subject to parliamentary work. The concept of a metropolitan district was also referred to in a later period by identifying metropolitan tasks and searching for the appropriate form of their implementation. It was recognised that, within the framework of binding constitutional and international standards, the only possibility was to adopt a solution consisting of creating, from metropolitan areas, specific units of the basic territorial division in the form of metropolitan districts, being a special category of district. A metropolitan district would implement only metropolitan tasks and would have an organisational structure, as a rule modelled on the district (Izdebski, 2010, pp. 67–68).

Attempts have been made to develop optimal legal solutions for the metropolitan area in the Silesian Voivodeship. The essence of one of the concepts of the special act for the Silesian conurbation was to be the creation of a regional union (called Śląsk or Silesia), with the status of a regional self-government unit (Knosala et al., 2007). Another metropolitan draft act, presented in 2007–2008 and prepared at the request of the Silesian Voivode, referred, inter alia, to the German experience in the management of agglomerations and to the concept of a municipal union regulated in the Act on Municipality Self-Government. It assumed the creation of an obligatory municipal union, which could be joined by neighbouring municipalities, after being approved by the minister responsible for administration (Jaworska-Dębska, 2017, p. 230). Both draft acts were not subject to parliamentary work. Instead, they were to constitute the basis for the development – at the request of the government – of a universal act regulating the functioning of metropolitan unions. In the first stage of the implementation of the act, there would be only two pilot unions (in Silesia and the Tri-City – Gdańsk, Gdynia and Sopot). Ultimately, it was planned to establish a union for several metropolitan areas.

In January 2007, a government team was appointed to prepare a diagnosis of problems in the development of metropolitan areas and a recommendation for their delimitation in Poland. The results of the team's work were used in the draft act of May 2008 on urban development, regional development centres and metropolitan areas. It was decided that, in order to solve problems of public management common to local self-government units in large urban agglomerations, a metropolitan complex should be established by the Council of Ministers on the terms specified in the Act. Belonging to this group of municipalities and districts located in the metropolitan area was to be obligatory. The above proposals to define the legal status of metropolitan complexes were considered to be a repetition of previously formulated proposals (Dolnicki, 2010) and were assigned a classificatory meaning (Edwarczyk, 2015, p. 309).

Another attempt to work out future system solutions for metropolitan areas was made in the draft act on urban policy and cooperation of local self-government units in September 2008. A dual method of creating a metropolitan area was proposed. The act would create two metropolitan areas, Warsaw and Upper Silesia. Further areas could be established by the Council of Ministers on the terms specified in the act. In order to handle the affairs of the metropolitan area, it was proposed to establish a metropolitan complex to which municipalities and districts located entirely in this area would belong by virtue of law. The scope of activities of the metropolitan complex was planned to be similar to those proposed in the draft act of May 2008. Reactions to the project were mixed. On the one hand, objections were raised as to the scope of its application or even its legitimacy and compliance with the constitution, and the proposal of some solutions (primarily inefficient sources of income) was criticised. On the other hand, the creation of an institutional level for cooperation between local self-government units and the opportunity to boost their development was positively assessed (see Ignasiak-Szulc, 2009 and the cited literature).

Another government draft act on state urban policy and cooperation among local self-government units of May 2009 formulated a proposal to allow only the Council of Ministers to create metropolitan areas (with a total number of inhabitants of no less than 2,000,000, with a population density exceeding 200 inhabitants per km²). In order to handle the affairs of the metropolitan area, it was proposed to establish a metropolitan complex, to which municipalities and districts located entirely in this area would belong by virtue of law. Similarly to the previous draft acts, the scope of the metropolitan complex was defined and similar rules for its organisation were proposed. Legislative work on the draft act was suspended in 2010, due to disagreements between the local self-government and the government during the consultations.

Due to the suspension of work on the preparation of solutions addressed to all metropolitan areas, those aimed at preparing the draft metropolitan act for only a specific area were resumed. In 2011–2012, work was done on adopting the legal basis for obligatory cooperation between fourteen cities with district rights (forming the Upper Silesian Metropolitan Union) with the seat of the metropolitan district authorities in Katowice. In 2012, a proposal was drawn up, the essence of which was to preserve the existing basic three-tier territorial division of the state and to create another category of district – the metropolitan district, which would include statutorily designated cities with district

rights. A metropolitan district would take over some of the tasks of cities, the effective performance of which – due to their supra-local nature – exceeded the capabilities of individual cities and municipal unions. The proposal addressed to one metropolitan area, was not approved by the government; instead, consultations were carried out on the most important dilemmas regarding the preferences for adopting detailed solutions for the demarcation of metropolitan areas, determining the tasks carried out there, as well as the organisational structure and the principles of managing metropolitan areas and financing them. Based on the collected opinions and conclusions, the directions of further government actions aimed at preparing legal and organisational changes aimed at improving the functioning of urban agglomerations have been set (Ministerstwo Administracji i Cyfryzacji, 2013).

3. Genesis, concept and general evaluation of the first act on metropolitan unions

In August 2013, a parliamentary draft act on the metropolitan district was submitted to the Sejm.¹ The project did not specify any criteria that had to be met in order to create a metropolitan district. They could be created by the Council of Ministers, both on its own initiative and at the request of the interested municipality, district or city council with district rights. Although the Council of Ministers could consult the inhabitants of a given community, these consultations were not binding. The metropolitan district would carry out its own tasks and commissioned by the act in the field of government administration. The proposed metropolitan district system was essentially a duplication of the current district model. The original version of the draft act on the metropolitan district met with a diverse assessment, expressed both in the legislative process and in the literature (Antkowiak, 2016, pp. 100–108).

The culmination of the two-year procedure of the draft act on metropolitan districts was the adoption on 9 October 2015 of the Act on Metropolitan Unions.² In the course of parliamentary work, the concept of the metropolitan area management model was changed and the idea of creating a metropolitan district was abandoned in favour of adopting a functional solution in the form of a metropolitan union. It was to be an association of local self-government units located in a given metropolitan area, with a separate legal personality from the units that constituted it. The phrase “association of local self-government units” has not yet appeared in normative acts and has caused the greatest doubts as to the nature of the metropolitan union. It could be created in a spatially coherent zone of influence of the city that is the seat of the voivode or the regional council, characterised by the existence of strong functional connections and the advancement of urbanisation processes, inhabited by at least 500,000 inhabitants. The Council of Ministers could establish a union on its own initiative or at the request of the municipality council located within the metropolitan area, in order to implement statutory public tasks in the

¹ Paper no. 2107 of the Sejm of the 7th term.

² Journal of Laws of 2015, item 1890.

field of shaping the spatial order, developing the union area, public transport in the area of the union, and cooperation in determining the route of national and provincial roads in the area of the union. It would have two bodies, a regulatory and control one (an assembly, consisting of delegates of municipalities and districts included in the union – two from each local self-government unit) and an executive (a three-person board, elected by the assembly). The budget resolution was to be the basis for financial management. The catalogue of sources of income for metropolitan unions has been specified in the amended act on the income of local self-government units. It includes, inter alia, contribution to personal income tax from natural persons residing in the area of the metropolitan union, contributions from municipalities included in the metropolitan union and subsidies from the state budget and from local self-government budgets.

The solutions proposed in the act on metropolitan unions were not applied in practice, because, during the period of its validity, the Council of Ministers did not issue the regulation necessary for its application, thereby specifying the rules for dividing the state's territory into metropolitan areas, in which individual metropolitan unions were to be established as a result of specific regulations. In the autumn of 2015, the parliamentary majority changed, which questioned the legitimacy of the solutions proposed in the act, because, in its opinion, the most powerful municipal centres in Poland were privileged.

The Act on Metropolitan Unions expired in connection with the entry into force of the Act of 9 March 2017 on the Metropolitan Union in the Silesian Voivodeship.³ Despite the fact that the adoption of statutory systemic legal solutions dedicated to metropolitan areas has been postulated for many years, the regulations introduced by the Act on Metropolitan Unions have been assessed quite critically. The literature negatively assessed, inter alia, the universal nature of the act and it was argued that it was a compromise solution aimed at creating general legal norms for the functioning of metropolises in general, and not for solving problems specific to a given territory, taking into account the existing forms of cooperation between local governments and the way of organising the performance of public tasks (Moll, 2017, pp. 150–151).

4. Genesis, concept and general evaluation of the Act on the Metropolitan Union in the Silesian Voivodeship

The government formed as a result of the parliamentary elections in 2015 gave up the concept of creating metropolitan unions on a national scale, and focused on adopting legal solutions dedicated exclusively to the Silesian Voivodeship, where intensive activities aimed at strengthening metropolitan ties had been carried out for a decade. In January 2017, a government draft act on the metropolitan union in the Silesian Voivodeship was submitted to the Sejm,⁴ which became the basis for the Act on the Metropolitan Union in the Silesian Voivodeship adopted on 9 March 2017.⁵

³ Journal of Laws of 2017, item 730.

⁴ Paper no. 1211 of the Sejm of the 8th term.

⁵ Journal of Laws of 2017, item 730.

The specificity of this metropolitan area determined the choice of the location for the first metropolitan union in Poland. It consists of 14 cities with district rights and the surrounding land districts. The specificity is determined by the lack of a dominant central city and the functioning of a dozen or so urban centres of similar size and potential side by side. Its distinctive features are a very high population and housing density, an extensive network of road infrastructure and public transport connections and a large daily migration between the cities of the agglomeration; as well as the degradation of the natural environment related to the development of industry and the exploitation of mineral deposits, as well as the revitalisation of post-industrial areas. It was assumed that a metropolitan union might be established in the area of the Silesian Voivodeship, constituting an association of local municipalities, characterised by the existence of strong functional connections and the advancement of urbanisation processes, located in a spatially coherent area inhabited by at least 2,000,000 inhabitants. This union includes the city with district rights i.e. Katowice. This union is obligatory and the municipalities that are part of it are unable to withdraw from it. The Council of Ministers was authorised to establish the union and determine its area and borders, taking into account the existing forms of cooperation between municipalities that make up the metropolitan union, functional connections and the advancement of urbanisation processes, as well as the settlement and spatial layout, taking into account social, economic and cultural ties in this area. It issued an ordinance on this matter on 26 June 2017, creating a metropolitan union called “the Metropolis of Upper Silesia and Zagłębie”.⁶

When establishing the structure of the metropolitan union in the Silesian Voivodeship, the legislator referred to the systemic solutions adopted in the Act on metropolitan unions of 2015, with some necessary modifications. The analysis of detailed legal solutions regulating the principles of operation of the authorities of the metropolitan union allows for the creation of new institutions unknown to Polish local self-government law.

For the first time in Polish law, a solution was adopted that an entity that is not a new local self-government unit, within the meaning of the Constitution of the Republic of Poland, receives its own tasks. The catalogue of the union’s obligatory tasks includes public tasks in the following areas: shaping the spatial order; social and economic development of the union area; planning, coordination, integration and development of collective public transport; sustainable urban mobility; and metropolitan passenger transport. The established metropolitan tasks combine elements typical of both local and regional tasks.

The independence of the metropolitan union in determining the internal structure and rules of operation, as well as determining the number of delegates, has been limited. The assembly of the union consists of delegates from the municipalities that make up the union, regardless of their size, one from each municipality. The union board consists of five members and is elected by the assembly in a secret ballot. The assembly of the union adopts resolutions by a double majority of votes, unless the act provides otherwise. This condition is met if both the majority of the statutory composition of the assembly and

⁶ Regulation of the Council of Ministers of June 26, 2017 on the establishment of a metropolitan union in the Silesian Voivodeship “the Metropolis of Upper Silesia and Zagłębie”, Journal of Laws of 2017, item 1290.

such a number of delegates representing municipalities that the inhabitants of these municipalities constitute the majority of the population living in the area of the metropolitan union vote in favour of the resolution. The adopted solution is to prevent the possibility of resolutions being blocked by municipalities representing a smaller number of inhabitants but which are more numerous in the assembly.

A specific method of financing the activities of the metropolitan union was adopted, ensuring the union receives a share of the income tax of natural persons residing in the area of the metropolitan union (0.2% in the year in which the metropolitan union was established, and 5% in the following years). The catalogue of the union's sources of income includes contributions (fixed and variable) from municipalities included in the metropolitan union. The fixed part of the annual contribution was to constitute 0.1% in the year in which the metropolitan union was established, and 0.5% in subsequent years of income from the participation of the municipality in revenues from personal income tax.

The metropolitan union was granted legal personality, but local communities were not empowered at the same time. It should perform new extra-municipal tasks that have not been performed so far. Although the explanatory memorandum to the draft act described this structure as a kind of experiment, the metropolitan union does not have an official pilot character. This construction was assessed in the literature as innovative, which opens the way to experimentation in public administration in the future (Pyka, 2018, pp. 21–22).

5. The concept and general assessment of other legislative initiatives concerning the system of metropolitan areas (taken by 31 March 2022)

The statutory adoption of the principles of establishing, organising and operationalising a metropolitan union in the Silesian Voivodeship meant abandoning the concept of uniform statutory solutions for all metropolitan areas in favour of adopting, if necessary, separate (subsequent) acts for individual metropolitan areas. From that moment on, a significant increase can be noticed in the submission of various legislative proposals on institutional forms of performing metropolitan tasks.

In December 2016, the parliamentary draft act on the Poznań Metropolitan Union was submitted to the Sejm.⁷ It was modelled on the draft act on the metropolitan union in the Silesian Voivodeship and used some solutions adopted in the Act on Metropolitan Unions. It assumed the creation of a metropolitan union that would be an association of municipalities and districts located in the Greater Poland Voivodeship, inhabited by at least 600,000 inhabitants, covering a spatially coherent area of influence of the city with Poznań district rights and characterised by the existence of strong functional connections. This draft act was rejected by the Sejm in the first reading in March 2017. The next three draft acts regarding the establishment of the metropolitan union are dated 2018.

⁷ Paper no. 1196 of the Sejm of the 7th term.

In January, a parliamentary draft act on the Wrocław Metropolitan Union was submitted,⁸ which would obligatorily include Wrocław (a city with district rights) and, voluntarily, other municipalities and districts located in the Lower Silesian Voivodeship, with a total population of at least 900,000. In September, the parliamentary draft act on the Krakow Metropolitan Union was submitted to the Sejm,⁹ which would consist of Krakow (a city with the district status of Krakow) and other municipalities located in the Lesser Poland Voivodeship, inhabited by at least 1,000,000 inhabitants. In March, however, the parliamentary draft act on the metropolitan union in the West Pomeranian Voivodeship was submitted,¹⁰ which would consist of Szczecin (a city with district rights) and municipalities of the West Pomeranian Voivodeship, inhabited by at least 600,000 inhabitants. The solutions proposed in the above-mentioned three draft acts were basically analogous. They assumed entrusting the metropolitan union with carrying out tasks that overflow the administrative boundaries of municipalities, in the field of: planning, coordination, integration and development of public collective transport; shaping the spatial order as well as social and economic development of the area of the metropolitan union. All three draft acts were sent for a first reading, which did not take place until the end of the Sejm's term of office.

In 2020, two more draft acts on the establishment of a metropolitan union were submitted to the Sejm. In February, the Senate's draft act on the Łódź Metropolitan Union was submitted,¹¹ which would include Łódź (a city with district rights) and other municipalities of the Łódź Voivodeship, inhabited by at least 1,000,000 inhabitants. In September, the Senate's draft act on the metropolitan union in the Pomeranian Voivodeship was submitted to the Sejm,¹² which is to be an association of municipalities and districts of the Pomeranian Voivodeship with a population of at least 1,000,000. It will obligatorily include three cities with district rights – Gdańsk, Gdynia and Sopot, and those districts, where at least half of the municipalities are part of the metropolitan union. The catalogue of tasks planned to be entrusted to the union was the same as in the case of draft acts submitted to the Sejm in 2018. It was extended to include environmental protection tasks. Both draft acts were submitted for their first reading, which did not take place until 30 March 2022.

The proposals for adopting the legal basis for the establishment of metropolitan unions, submitted in the previous and current term of office of the Sejm, partly propose analogous solutions to those adopted for the union in the Silesian Voivodeship. In addition to common elements, one can point to elements specific to the Lower Silesian and Pomeranian concepts, which are based on the establishment of membership of municipalities and districts, which significantly differ from those of the others.

The general description of subsequent draft acts related to metropolitan unions, submitted relatively shortly after the entry into force of the act dedicated to the metropolitan union in the Silesian Voivodeship, which did not lead to their adoption in the

⁸ Paper no. 2252 of the Sejm of the 8th term.

⁹ Paper no. 2934 of the Sejm of the 8th term.

¹⁰ Paper no. 2428 of the Sejm of the 8th term.

¹¹ Paper no. 285 of the Sejm of the 9th term.

¹² Paper no. 646 of the Sejm of the 9th term.

form of an act, proves that the Polish legislator is still reluctant to create new metropolitan areas requiring an individualised approach, even in the case of justified needs reported by local self-governments.

6. Summary

These considerations serve to confirm the adopted thesis of a specific compromise between expert assumptions and the will of the legislator with regard to the final normative version of the metropolitan union concept. At the same time, it has been shown that the withdrawal from the introduction of one universal model of a metropolitan union for individual metropolitan areas opens up the possibility of submitting further legislative initiatives aimed at creating new unions, with individualised features that take into account the specificity of particular metropolitan areas.

The presented concepts, assumptions and draft acts, as well as adopted legal solutions, present an evolution in the way of understanding the problems of metropolitan areas. They reveal a diverse approach to the scope of the proposed regulation and the model of the legal status of such areas (ranging from solutions using voluntary forms of cooperation to creating a new category of local self-government units and making changes to the territorial division of the state). There is no doubt that the search for an optimal model for managing metropolitan areas and the need to create an organisational form that would institutionalise the processes by which large urban centres impact on the surrounding municipalities, and after 1998 also on districts, was repeatedly raised in various environments with varying intensity, including also in the course of working on the next stages of public administration reform.

Also in practice, using the forms of cooperation specified by the legislator, the most appropriate way of performing metropolitan tasks was sought (in particular in the fields of spatial planning and development, road authority and public transport). With the emergence of discussions on the status of metropolitan areas and the failure of a top-down creation of metropolitan structures, local self-government structures began to emerge in Poland, based on the voluntary cooperation of municipal and district units. Local self-government legislation in Poland since 1990 has provided legal grounds for intermunicipal cooperation, since 1998 for cooperation of districts, and since 2015 also for municipal and district cooperation. There is a visible bottom-up process of building a coalition of local cities and the surrounding municipalities and districts, which can be described as the beginning of the process of integration of management and planning in functional urban areas.

Neither the establishment of cities with district rights nor other solutions introduced only in a fragmentary manner, enabling the implementation of metropolitan tasks, have solved the specific problems of metropolitan areas (e.g. functional areas, regulated in the Act on Spatial Planning and Development, for which a spatial development plan is adopted or Integrated Territorial Investments [ITI] implemented in the cities that are the seat of voivodeship self-government authorities or a voivode and areas functionally related to them). Despite the creation of organisational and financial instruments supporting the

cooperation of local self-governments in the functional areas (ITI), the adoption of statutory solutions regulating the performance and financing of metropolitan tasks is currently not a priority in Poland, neither for the government nor for the parliament. Contrary to the top-down reform of the state in 1990 and 1998, there is now clear social pressure to organise the management structures of large cities in a democratic rather than technocratic manner.

The long-term process of creating legal regulations regulating the mode and rules of functioning of metropolises is crowned with the entry into force of the Act on the Metropolitan Union in the Silesian Voivodeship. The metropolitan union is *de facto* compulsory. This is evidenced by the statutory procedure for establishing a union and the lack of legal solutions that establish the rules for the withdrawal of municipalities from the union (in practice, this makes it impossible for municipalities to withdraw).

The metropolitan union is a new local self-government institution, but it is not another local self-government unit. It is an organisational unit included in the local self-government sector and the public finance sector, but qualitatively different from the associations of local self-government units, although its legal structure resembles the institution of a municipal union regulated in the local self-government system act. It assumes the cooperation of certain local self-government units existing in the metropolitan area according to the functional formula of the association, with a separate legal personality from its constituent units. The representative bodies of a metropolitan union do not result from general elections, but are composed of delegates from individual local self-government units that make up the union. This means that the union derives its legitimacy from individual local self-government units, and only indirectly from the inhabitants of the metropolitan area.

The idea of a metropolitan union is, first of all, for the legislator to distinguish general metropolitan tasks, stemming both from the role of a metropolitan city as the centre of the union and the need to solve problems caused by the spatial and functional layout of its surroundings. Satisfying the collective needs of the inhabitants of the metropolitan area creates for the metropolitan union a category of its own tasks. Its creation enables such tasks to be implemented in an integrated and coordinated manner. Granting the metropolitan union the category of its own tasks, which until now have been reserved for local self-government units, is an innovative solution for Polish conditions. The creation of sources of income for the metropolitan union by means of an act means that the status of the metropolitan union in terms of budget, compared to the status of classic municipal unions is generally more stable.

The assumptions and draft acts submitted so far, as well as the adopted acts dedicated to the problems of managing public affairs at the metropolitan level, as well as containing detailed institutional and legal solutions, in the vast majority referred to the cooperative model of metropolitan area management and constituted specific modifications to this model. On the one hand, it was proposed to entrust the management of the metropolitan area to an additional metropolitan unit of local self-government, which was to exist next to the already functioning municipalities (cities with district rights). The concept of the metropolitan district, understood as a local self-government community, belongs to this trend, although the various models, prepared at different times, differed in their specific

structural elements. The main difference was to determine whether the metropolitan district is to be the next (fourth) category of local self-government units and constitute an element of the basic territorial division of the state, or to function as another category of a district (next to the land district and the magistrate district, which was referred to in the literature as a city with district rights), without the need to change the basic territorial division of the state. On the other hand, it was planned to appoint a union metropolitan complex with a separate legal personality to manage the metropolitan area, which would include individual local self-government units located in the metropolitan area.

The current legal status in Poland in the field managing of metropolitan areas is characterised by a wide variety of solutions as well as fragmentedness and dispersion in many legal acts. Different metropolitan areas are managed differently, which is determined by both the legislation in force and the practice of its application. Currently – with the exception of Warsaw, organised on the basis of a separate act based on the model of a unified metropolitan authority – the model of cooperative management of such an area in Poland is characteristic of metropolitan areas. The management of metropolitan areas is carried out by local government units (mainly by cities with district rights and neighbouring municipalities), as well as by specific forms of intermunicipal cooperation and, in the case of a metropolitan area in the Silesian Voivodeship, by a metropolitan union (operating under the name of the Metropolis of Upper Silesia and Zagłębie). Granting the Warsaw and Silesian metropolitan area legal instruments dedicated to them by the legislator in practice privileges their position.

The functional-spatial and socio-economic differentiation of metropolitan areas, as well as specific system solutions that regulate the relations between local self-government units in different countries, make it impossible to identify a single, optimal model of metropolitan area management. Compared to many European countries with well-developed forms of metropolitan areas management (for example, Germany, France, Italy and the Netherlands), Poland is still at the beginning of the path of making them important management and planning entities. On the one hand, this was due to historical conditions (including a relatively short period of local self-government functioning) and, on the other hand, legal, administrative and political conditions.

The discussion of the optimal shape of systemic, organisational and financial solutions, taking into account the specificity of the functioning of metropolitan areas, cannot be considered complete. An agreement has already been reached on the choice of a statutory functional solution based on the structure of the metropolitan union and the catalogue of metropolitan tasks, separate for the public tasks of municipalities and districts. However, there is still no universal acceptance of the choice of the nature of the regulation of the metropolitan area management model. The legislator himself quickly changed his position on this matter, departing from the adopted universal solutions in favour of solutions dedicated to a specific area. This may mean the legislator's reluctance to create new metropolitan areas that require an individualised approach, even in the case of justified needs reported by local self-government communities. When adopting new legal solutions and improving the existing ones, it is necessary to take advantage of the negative experiences of the only metropolitan union so far (the Metropolis of Upper Silesia and Zagłębie), in particular related to the system and the rules of functioning and

adopting resolutions by the union's decision-making body. Only the adopted statutory solutions specifying appropriate legal and financial instruments and increasing the participation of the social environment in the public management system may lead to a fundamental qualitative change in the organisation and local development in metropolitan areas and contribute to the improvement of the socio-economic level of large urban centres.

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