



# Public administration characteristics and performance in EU28:

Poland

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## 1 SIZE OF GOVERNMENT

The scale of the Polish public sector is significantly smaller than other countries in the EU-28. This puts Poland right in the middle of the 'new' EU members who joined since 2004. During the previous government, some austerity measures and pro-efficiency cuts (jointly labelled the 'consolidation' of public finances) were implemented, but the scale of the sector will probably increase somewhat over the coming years due to the extensive social policy agenda pursued by the Law and Justice party (PiS) government. In terms of the scale of government, Poland remains one of the most decentralised EU countries, with strong regional and local self-government. However, the trend of decentralisation has been reversed recently – this will probably become visible in expenditure figures in the coming years.

**Table 1: General government budget data**

POLAND	2010	EU 28 Rank	2015	EU 28 Rank	Δ Value	Δ Rank
<b>Total expenditures (in % GDP)</b>	45.70	17	41.50	21	-4.20	-4
<b>Central government share (%)</b>	60.14	21	55.20	23	-4.94	-2
<b>State government share (%)</b>						
<b>Local government share (%)</b>	32.64		30.77			
<b>Public investment (in % GDP)</b>	5.59	2	4.40	10	-1.19	-8
<b>Debt in % GDP</b>	53.32	10	51.14	13	-2.18	-3
<b>Deficit in % GDP</b>	-7.3	21	-2.6	17	+4.7	+4

**Sources:** AMECO, Eurostat

The Polish economy remains strong which has made it possible to make some cuts to public expenditure and to maintain the improvement of living standards over recent years. Public debt remains stable due to a healthy economy and modest levels of austerity. However, part of the improvements achieved between 2010 and 2015 in the public debt figures is due to a pension reform in 2013 which transferred part of the social security liabilities from treasury bonds (which are counted in the public debt figures) to pension promises directly to citizens (which are not). This accounting method made it possible to lower the recorded Debt/GDP ratio by more than five percentage points between the fiscal years 2013 and 2014 (Hausner, Mazur 2015: 68). It remains to be seen how the deficit and debt figures will be changed due to the ambitious social policy agenda of the current government.

Public investment remains high due to the substantial influx of EU funds but has dropped noticeably in recent years. This can be partially explained by the schedule of the EU budgetary framework with investment financed by the 2007-2013 round tailing off, and the investment of the 2014-2020 round not yet in full swing. Public investment was still at a low level in 2016 due to a general revision of the medium-term development strategy by the current government. Public investment is expected to return to healthier figures in 2017-2018 when the implementation of the strategy begins.

**Table 2: Public sector employment\***

POLAND	2005	OECD EU18 rank	2011	OECD EU12 rank	Δ Value
<b>Total public sector employment in % of total labour force</b>	21.30	9			
	2005	OECD EU21 rank	2011	OECD EU19 rank	Δ Value
<b>General government employment in % of total labour force</b>	9.60	20	9.70	18	+0.10

**Sources:** OECD- *Government at a glance*

\*According to the OECD, public sector employment includes public companies, while general government employment excludes public companies.

Public sector employment in comparison to other EU countries remains moderate. Employment in public administration is relatively low but the public-sector involvement in the economy is relatively high, with total public-sector employment at 21.3% of total employment in the economy. Unlike the situation in most other EU economies, employment in the general government actually grew modestly between 2011 and 2015, due to a relatively stable and healthy economy and modest levels of cuts to public expenditure. According to national statistical office figures, employment in public administration reflects a fairly high degree of decentralisation in Poland. More than 52% of all employees in public administration work in local self-government, around 6% in regional self-government and less than 42% in central government. In terms of the 'head count' of employment in public administration, this is relatively small compared to both public and private sector employment.

**Table 3: Public sector employment in Poland**

POLAND	2014
(1) General government employment (in thousands.)*	2526.73
• share of central government (%)	n/a
• share of state/regional government (%)	n/a
• share of local government (%)	n/a
(2) Public employment in social security roles (in thousands)	56.13
(3) Public employment in the army (in thousands)	141.98
(4) Public employment in the police (in thousands)	207.52**
(5) Public employment in employment services (in thousands)	n/a
(6) Public employment in schools (in thousands)	970.4***
(7) Public employment in universities (in thousands)	
(8) Public employment in hospitals (in thousands)	529.1****
(9) Public employment in core public administration (in thousands)	621.6
(10) Core public administration employment in % of general government employment (9)/(1)	24.6%

**Sources:** Polish national statistical office

\*According to the OECD, general government employment excludes public companies.

\*\* derived by subtracting employment in the army from employment in the area of 'national defence and public security' as calculated by the National Statistics Office

\*\*\* The number constitutes employment in the public sector in the area of 'education' (section P of the Polish Activities Classification)

\*\*\*\* The number constitutes employment in the public sector in the area of 'health and social assistance' (section Q of the Polish Activities Classification)

## 2 SCOPE AND STRUCTURE OF GOVERNMENT

### 2.1 State system and multi-level governance

The system of public administration, excluding the central level, comprises three tiers: voivodship (16 voivodships or regions), *powiat* (314 *powiats* or counties), and *gmina* (2478 *gminy* or communes/municipalities). Government administration at the central level comprises the Council of Ministers, the Prime Minister, individual ministries, central offices and agencies. In addition, it also includes state administration that supports central authorities (e.g. the Chancellery of the House of Deputies - the Sejm, the Chancellery of the Senate). Government administration also operates at the voivodship level, where it includes *voivodes* (governors of regions) supported by voivodship (regional) offices, complex voivodship administration, non-complex/detached special administration (part of the field government administration not answerable to *vivodes* but to ministers or other central government bodies) as well as services and inspectorates (Gąciarz 1999).

At the voivodship level, local administration is represented by marshals and voivodship boards supported by marshals' offices. At the *powiat* level, there are *powiat* governors, boards, offices, services and inspectorates overseen by *powiat* governors, and organisational units of *powiat* self-government. Likewise, the *gmina* level consists of mayors (city presidents), *gmina* offices and other organisational units<sup>1</sup> (Gąciarz 1999).

The fundamental provisions governing the functioning of the Council of Ministers and government administration can be found in Chapter VI of the Constitution of the Polish Republic, whereas local self-government units are described in detail in Chapter VII (Local self-government). The chapter deals with local communities organised pursuant to the principles set out in the relevant statutes (i.e. the *Gmina* Self-Government Act of 8 March 1990, the *Powiat* Self-Government Act of 5 June 1998, and the Voivodship Self-Government Act of 5 June 1998).

**Table 4: Distribution of power between the different administrative levels**

Government level:	Legislation	Regulation	Funding	Provision
Central Government	Defence External Affairs Internal Affairs Justice Finance/tax Economic Affairs Environmental protection Public utilities Social welfare Health Science and research	Defence External Affairs Internal Affairs Justice Finance/tax Economic Affairs Environmental protection Public utilities Social welfare Health Science and research	Defence External Affairs Internal Affairs Justice Finance/tax Economic Affairs Environmental protection Public utilities Social welfare Health Science and research	Defence External Affairs Internal Affairs Justice Finance/tax Economic Affairs Environmental protection Public utilities Social welfare Health Science and research

<sup>1</sup> [https://mac.gov.pl/files/administracja\\_prezentacja.pdf](https://mac.gov.pl/files/administracja_prezentacja.pdf)



	Education	Education	Education	Education
State government	Organisational regulations. Supervisory function – can withhold execution of local government resolutions	Internal Affairs Education Environmental protection Economic Affairs Finance/tax	Internal Affairs Education Environmental protection Economic Affairs Finance/tax	Internal Affairs Education Environmental protection Economic Affairs Finance/tax
Regional government ( <i>województwo</i> )	Public utilities Environmental protection Finance/tax Economic Affairs	Public utilities Environmental protection Finance/tax Economic Affairs	Public utilities Finance/tax Social welfare Health Science and research Education	External Affairs Internal Affairs Economic Affairs Environmental protection Finance/tax Science and research Public utilities Education
Local government ( <i>gmina/powiat</i> )	Public utilities Finance/tax Economic Affairs	Public utilities Finance/tax Economic Affairs	Internal Affairs Finance/tax Environmental protection Public utilities Social welfare Health Education	External Affairs Internal Affairs Economic Affairs Finance/tax Environmental protection Public utilities Social welfare Education

Local self-government plays an important role in the system, which is reflected in its responsibility for the execution of a significant number of public tasks, particularly in the field of education (nursery schools and schools), health services (inpatient and outpatient facilities), security, social welfare, access to basic utilities, spatial planning, culture, labour, environmental protection, construction and maintenance of roads.

Conversely, central government administration plays a key role in such areas as national defence and the judiciary. It is also responsible for legislation and regulatory policy. The powers of local self-government in this area include issues related to public services (e.g. public transport), public finances (e.g. local taxes and fees), or economic development (economic programmes). The main responsibilities of local self-governments comprise specific tasks carried out independently and limited only by statutes. Moreover, local self-governments also execute tasks delegated to them by the central government administration and receive adequate funding to implement them. Local self-governments' own tasks are financed primarily from their own revenues (including, but not limited to tax revenues PIT, CIT and other local charges) as well as general funding from the state budget (Borodo 2012, pp. 37–38).

From the point of view of the division of powers, a peculiar situation exists at the regional (*voivodship*) level, where apart from the voivodship self-government there are *voivodes* (governors of regions) representing central government in the region. They are

appointed and dismissed by the Council of Ministers. Their tasks include the supervision of the so-called complex governmental administration (part of the field government administration subject to *voivodes* which includes managers of services, inspections and guards) and of local self-government units. The tasks of *voivodes* and regional self-government are separated: the voivodship self-government has competences within the scope of regional tasks, while *voivodes* are responsible for specific tasks, primarily comprising the representation of central government in the region and the task of supervision. There are sometimes issues with coordination if *voivodes* and heads of the voivodship self-government are from different political parties (in such cases, Administrative Courts have to decide on the disputed competence).

The *gmina* (municipality) occupies a key position in the system of local self-government in Poland. It is responsible for the implementation of a number of public tasks and operates closest to the citizen. The second level of local self-government – the *powiat* (county) – has the least important role from the point of view of the functioning of the entire system. It can be assumed that the *powiats'* primary function is to support the *gminy*. *Powiats* perform fewer tasks and, as a result, have smaller funds at their disposal. Conversely, voivodships occupy a prominent position in the local self-government system, which is demonstrated for example by their important role in the distribution of EU funds.

There are a number of dysfunctions in the field of cooperation between the different levels and types of administration, including coordination problems and conflicts of jurisdiction. The latter can arise from the underfunding of certain public tasks, for example – the central administration delegates an increasing number of duties to local self-governments without ensuring adequate funding. This gives rise to conflicts and a 'blame game' with a self-evident negative impact on the quality of public services. The magnitude of the problem can be illustrated by the fact that in 2016 the Supreme Administrative Court received 397 applications for the settlement of conflicts of jurisdiction between local government units and Self-government Colleges of Appeal, and for the resolution of conflicts of competences between these entities and central government agencies (<http://www.nsa.gov.pl/download.php?plik=1296>).

Poland has become one of the more decentralised states in Europe. Local governments now control a third of all public expenditure. This success cannot be attributed to widespread civic engagement because decentralisation in Poland was clearly a 'revolution from above,' nor can it be attributed to the implementation of rules typically thought to enhance accountability in decentralised polities because Polish local governments do not finance themselves, and many of their responsibilities remain poorly defined. Instead, Poland's success is due to an array of institutions designed to train, professionalise, discipline, and empower newly-elected local elites (Levitas 2014).

Local and regional governments still have very limited influence on reform design. The central government still has a dominant role in the modernisation of public administration. The most important reforms of government administration in Poland show that reforms are generally implemented on a top-down basis. Such reforms over the past several years have usually been incremental. Many of them demonstrate a lack of programme cohesion and a lack of determination in their implementation. We often observe situations in which a change of the government brings about reforms that are totally different from those implemented by predecessors (for example civil service, digitisation). As indicated by the OECD, the problem is that major policy decisions are often based on an immediate need - ad hoc political considerations - outside the

procedures in force, which makes for very difficult strategic planning and coordination of implementation process (OECD 2013: 214).

<b>State structure</b> (federal – unitary) (coordinated – fragmented)	<b>Executive government</b> (consensus – intermediate – majoritarian)	<b>Minister-mandarin relations</b> (separate – shared) (politicised – depoliticised)	<b>Implementation</b> (centralised – decentralised)
Unitary fragmented	Intermediate	Shared Politicised	Centralised

## 2.2 Structure of executive government (central government level)

The current government consists of 18 ministries and a Chancellery of the Prime Minister constituting the main body of the Centre of Government (Irish EU Presidency Study 2013, p. 98). Ministries (as well as the Chancellery) are structured into departments (performing content-related tasks) and bureaus (providing coordinating and supporting services). Both types are further divided into units. At the top of every ministry there is a political minister together with deputy ministers and a political cabinet. The most important civil servant (providing most HRM functions) is the Director General of a ministry. Department and bureaus also have their directors. Units are run by heads, constituting the lowest level of managerial posts. Ministries are generally large organisations, comprising up to 30 departments/bureaus and employing more than two thousand employees. In this regard, there is some degree of organisational centralisation visible. However, the coordination of ministries lacks effectiveness. This is normally overcome by the personal centralisation of some roles by a particular member of the Council of Ministers. (Until recently, such a coordinating role was performed by the Development Minister [in addition to the Prime Minister]; the Development Minister also held the post of Minister of Finance – an unprecedented integration of political power in the Polish context). This lack of coordination means that most all-encompassing strategies are not pursued effectively and administration is often perceived by the public as lacking vision. This may or may not change once the Strategy for Responsible Development is accepted. This strategy is replacing the Polish medium-term development strategy and seems to be a central framework for developing public policy in the area of the economy, social and economic development and good governance for the current government.

Management autonomy on the part of Director Generals and Directors of Departments is considered low due to the high politicisation of Director Generals in particular and the difficult financial situation of public administration which reduces their discretionary funds.

The relationship between ministries and agencies formally make the latter structurally dependent on ministers. Ministers have the possibility to appoint and dismiss agency heads in most cases and they have supervisory competences. The machinery of government is generally highly unstable at the moment due to some attempts to regain a steering role by the current government. Despite gaining some momentum in the first decade of the 21<sup>st</sup> century, the process of 'agencification' is not very developed in Poland, and is also currently subject to recentralisation activities, which will probably result in a more hierarchically-structured public sphere.

Nominally, Poland has developed a complex internal institutional framework for strategic management involving the following institutions:

1. The Chancellery of the Prime Minister, with particular responsibility for the RIA system, the strategic coordination of the civil service reforms and the day-to-day coordination of government activities;
2. The Ministry of Development, with responsibility for strategic management and coordination in the area of the medium-term development strategy and the disbursement of EU funds;
3. The Standing Committee of the Council of Ministers, with responsibility for the coordination of interests represented by different ministries, and an important party in reaching strategic consensus;
4. The Government legislative centre responsible for the quality of prepared legal acts and public consultation;
5. The Supreme Audit Office which is responsible for the ex-post evaluation of the functioning of legal framework and particular institutions.

A good way of assessing the degree of cooperation and particularisms of different institutional actors is to look at the process of developing and – in the near future – implementing the Strategy for Responsible Development. It seems that in order to achieve its goals some changes in the machinery of government were made, strengthening the role of the most important ministry coordinating the implementation of this strategy, i.e. the Ministry of Development. However, some disagreement on goals and the relative position between different power centres is visible already – the Prime Minister is openly criticising some parts of the strategy. This suggests that the previously existing strong silo structure has not been overcome. This is emphasised by the political disagreement between the two main coordinating bodies.

In Poland, there are many management, budgeting and monitoring mechanisms based on the performance approach. However, these still don't seem to go well together with the prevalent, strongly procedural culture of administration. All departments have their own rulebooks, and every ministry has an internal audit office. Performance budgeting has been introduced but does not seem to be implemented strictly. Some evaluations are conducted – whether ex-ante, ongoing or ex-post – especially of EU-funded programmes, and their quality seems to be improving (Olejniczak 2010).

In formal terms, a complex system of strategic management based on the law on the principles governing the conduct of development policy and a medium-term development strategy is present. In practice since there is a lack of political consensus on the optimum shape of a system of strategic management, politics still plays the most important part in strategic decision-making. However, some consistent strengthening of the Ministry of Development within the system of strategic planning and policy implementation is clearly visible (cf. the above material on the Strategy for Responsible Development).

Every ministry has its own internal audit office and is subject to some regular checks (especially budgetary checks) by the Supreme Audit Office. The Polish ombudsman is also active, regularly auditing many government units and some other public organisations. Generally, these two institutions remain highly independent and provide a good check on the activity of government. There are also institutions dedicated to preventing corruption, like the Central Anti-Corruption Bureau (CBA) created in 2006 (Journal of Laws 2006, No. 104, item 78) or a government representative for developing

the programme of preventing irregularities in public institutions (Journal of Laws 2007, No. 224, item 1660).

Different aspects of administrative reform remain within the competences of different bodies. For instance, in formal terms the main institutions for regulating reforms in the civil service are the Head of the Civil Service, the Public Service Council and the Chancellery of the Prime Minister. In reality, changes are made by politicians who routinely completely bypass these bodies. In formal terms, most responsibilities for assessing and suggesting changes in public administration are held by the Chancellery of the Prime Minister. Decentralisation reforms are supposed to be discussed at the forum of the Joint Commission of Government and Self-government, but in some controversial cases the voice of self-government is often ignored.

### **3 KEY FEATURES OF THE CIVIL SERVICE SYSTEM**

#### **3.1 Status and categories of public employees**

In general, the civil service encompasses most public administration employees at the governmental level (at central, regional and local levels). In 2014, 120 000 people were employed within the civil service compared to around 175 000 in government administration overall (the remaining 55 000 is composed mainly of technical staff). Most civil servants (approximately 42 000) are employed by the state revenue service. Public administration officials working in self-government, both at the regional and local levels, are not considered part of the civil service in Poland. The civil service itself is composed of three types of employees:

1. Civil service employees (employed on a contractual basis – approximately 112 000 employees)
2. Civil servants (employed on a more stable basis of nomination – approximately 8 000 employees)
3. Higher civil service posts (approximately 1 500 to 1 600 managerial posts filled by means of political appointment<sup>2</sup>). Both civil service employees and civil servants can be appointed to higher posts, as can people from outside the civil service. Civil service employees and civil servants officially retain their previous post and receive unpaid leave for the duration of that appointment.

In general, the existence of the civil service in Poland is based on the Constitution, which stipulates that its function is to ensure the professional, diligent, impartial and politically-neutral implementation of state duties by the central administration (art. 153). The other main legal basis is the Civil Service Act passed in 2008 (with additional changes), which lists public bodies that are part of the civil service (these include in particular: the Chancellery of the Prime Minister, ministries and other central administration offices, regional voivodship offices and other regional and local offices of government administration, fiscal administration and civil employees of law enforcement agencies).

With regard to the prevalent model of the civil service in Poland, we should introduce some nuance due to the ambiguous classifications given by different international studies

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<sup>2</sup> Up until 2015, these posts were filled on the basis of open competition. This procedure was abolished by the current government.

(for instance, Kuhlmann and Wollmann [2014] classify the Polish civil service model as career-based, while the Spanish presidency employment report calls it a 'hybrid system' – [Spanish EU Presidency Study 2010, p. 11] and according to the OECD study the system is more position-based [2011]).

The problems with an equivocal classification of the Polish civil service system stem from the differentiation between civil service employees (1) and civil servants (2), and from the relationship between employment in the first and the second groups (3).

1) The first group is employed on the basis of a contract similar in scope to the institutional arrangements in the private sector. The recruitment for all positions bar higher civil service posts is open and competitive, and generally no special privileges are reserved for people currently working in the civil service<sup>3</sup> if the requirements for a particular position are met.

2) The second group consists of people employed on the basis of nomination (around 8 000 people at present), who enjoy greater work security and higher remuneration (for the same work) than contractual employees but face the possibility of being moved to another city every two years without their consent (though this seldom actually happens).

3) There are two possible ways of becoming a civil servant. One is to work as a civil service employee for three years (two years in special cases) and then take a difficult exam. The second leads through the State School of Public Administration. Its graduates have priority on the list of nominated civil servants (which has been very short in recent years – 200-300 people annually).

Taking into account the abovementioned three characteristics, it could be argued that the Polish civil service system is a mixed (hybrid) one, with some leanings towards a position-based one. There are no special pension or public service access privileges that would make it very costly for people currently employed in the civil service to leave for a private sector job, and most positions are open to people from outside the civil service.

Up until 2015, while higher posts in civil service were in practice also open to candidates outside the civil service (with was a requirement of some experience in the budgetary sector, but not civil service), the leaning towards the position-based system was even more evident. Currently, as higher posts become part of a system of political patronage (see 3.2), one could argue that even while they are legally within the scope of the Civil Service Act, in practice they are no longer part of the civil service in its traditional definition.

### **3.2 Civil service regulation at central government level**

It seems that the main foundations of the civil service system in Poland remain those established in the Civil Service Act of in 1998 and are retained in the Civil Service Act of 2008. Some aspects, especially the important issue of filling higher posts (whether through a transparent competitive procedure or politically) may change radically, but the main idea of the essentially inclusive nature of the civil service, the distinction between civil service employees and civil servants (with a particular way of converting one form

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<sup>3</sup> The only privileged group is the alumni of the State School of Public Administration which enjoys a guarantee of employment as civil servants (the downside being that they are obliged to work in public administration for five years after graduation).

of employment into the other) and the special privileges enjoyed by the graduates of the State School of Public Administration at the government level seem to have remained intact.

However, the issue of higher posts – which have been a politically highly divisive matter from the beginning – is still far from a conclusive (and constructive) settlement. In the first decade of the 21<sup>st</sup> century, although there were legal requirements in place for filling higher posts through a competitive process, in practice these were bypassed and higher posts remained highly politicised. Some signs of improvement in this regard could however be seen up until 2005. Since 2006, the status of higher posts has been changed three times with the Law & Justice (PiS) party government twice formally politicising them – the second time in 2016. Nowadays it seems that the politicisation of these posts remains the biggest challenge for the long-term effectiveness of central public administration.

As for the rest of the civil service during the past decade, some improvements in terms of professionalising the role of HRM can be noted. The civil service is gradually growing, employing an ever-increasing proportion of government administration employees (from 67% in 2005 to 68% in 2015 – Chancellery of the Prime Minister data). However, there are still employment practices that erode the foundations of the civil service system. For some public administration units, the system of recruitment and employment in the civil service remains too rigid. Therefore, a proportion of employees, especially those working in the voivodship offices, who have responsibilities similar to those of civil servants are still employed on the basis of the stipulations of legal institutions governing the recruitment of technical staff, which could be managed more flexibly (especially during difficult fiscal times). There seems to be little systematic evidence on the intensity of the problem, but it definitely remains an important problem, albeit a seldom-researched one (Jawor-Joniewicz 2011).

<b>HR system</b> (Career vs position based)	<b>Employment status</b> (civil servant as standard; dual; employee as standard)	<b>Differences between civil servants and public employees</b> (high, medium, low)	<b>Turnover</b> (high, medium, low)
Mixed – biased towards position based	Civil service employee as standard, civil servant as an elite status	Medium	6-7% so rather low

### 3.3 Key characteristics of the central government HR System

The main office responsible for conducting HR management (HRM) in the Polish civil service is the Head of Civil Service, who 'manages the human resource management process in the civil service; gathers information on the civil service; plans, organises and supervises central training in the civil service and assures proper conditions for dissemination of information on vacant posts in the civil service' (Civil Service Act - art. 15).

The responsibility for performing HRM lies with the Director General i.e. the highest administrative post within a given institution (Irish EU Presidency Study 2013, p. 99). They are responsible for conducting personnel policy, especially through: preparing an HRM programme for the organisation (e.g. a ministry or institution), appointment and

dismissals, recruitment, managing financial incentives and the organisation’s social fund. Due to the fact that the Director General performs most of the traditional HRM roles (see table 1), the system is fairly decentralised.

**Table 5: HRM roles and responsible organisations**

HR function	Responsible person
Recruitment and selection	Director General
Promotion	Director General
Appraisal	Director General
Development and training	Head of Civil Service

**Source:** own study.

In 2013, the ESF-funded project of Human Resource Management Strategy in the Civil Service was presented for the period until 2020, aimed at improving this aspect of civil service operation, but it was not accepted. In 2015, another reform of the civil service was adopted, consisting of a broadening of the regulations concerning the principles of civil service job evaluation.

In the Polish civil service, senior executives (SEs) are treated differently from other civil service employees in the way they are appointed and the level of work stability, which at present is considerably lower. These posts are subject to HRM practices similar to those in other posts – no dedicated institutions deal with HRM relating to SEs. Since 2016, unlike other civil service employees SEs enjoyed a special duty allowance in 2017 amounting to between 374 and 3841 Polish zlotys.

Polish civil service employees as well as civil servants may form and join unions, but they have a severely restricted right to strike. (They are able to protest as long as it does not negatively affect the functioning of their organisation). Between 2009 and 2015, a special sub-group existed within the Tripartite Commission for Social and Economic Affairs (a main body of social dialogue) dealing with matters of central administration and self-government employees. After the establishment of a new body of social dialogue – called the Social Dialogue Council – in late 2015, no such sub-group exists any more. Generally, collective bargaining is non-existent at the level of the civil service in Poland.

Most posts, including middle-level management, are filled through an open, competitive process. According to a report of the Supreme Audit Office, legal stipulations on the recruitment process are widely respected (NIK 2011). As for higher posts in the civil service, these are highly politicised (as mentioned above), especially since 2016.

Remuneration in the civil service is regulated through a Prime Ministerial ordinance as a product of a base sum and multiplier, which vary according to several criteria: type of post, whether or not a given post is a higher post and – for civil servants – a grade modification. There is a system of various benefits: jubilee benefits, a prize for long-term service, and incentive bonuses granted discretionally<sup>4</sup> for outstanding work by the Director General from a pool of up to 3% of the budget for government employment remuneration.

Coherence between	Remuneration level	Formal politicisation	Functional
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<sup>4</sup> Although Directors are encouraged to set formalized internal criteria for receiving bonuses.



<b>different government levels</b> (high, medium, low)	<b>vs private sector</b> (much higher, higher, same, lower, much lower)	<b>through appointments</b> (high, medium, low)	<b>politicisation</b> (high, medium, low)
Low	Higher	High	High

## **4 POLITICAL ADMINISTRATIVE SYSTEM AND POLITICAL ECONOMY**

### **4.1 Policy-making, coordination and implementation**

Poland is a unitary country governed by majority coalitions. It is a decentralised state, with a relatively strong three-tier system of local self-government. The high degree of decentralisation is accompanied by weak horizontal coordination mechanisms. The current government sees a way to counteract this phenomenon in granting more powers to the Minister of Development (until recently also appointed Minister of Finance and Deputy Prime Minister).

Originally, the relationships between high-ranking civil servants and their political superiors were based on the assumption of their distinct statuses and formal separation. This is still reflected in the Constitution. However, the Civil Service Act as amended in 2016 abolished the obligation to appoint candidates to senior posts in the civil service on the basis of the criterion of political neutrality, which creates space for making the civil service more politically involved.

<b>Distribution of powers</b>	<b>Coordination quality</b> (high, medium, low)	<b>Fragmentation</b> (high, medium, low)
Shared	Low	Medium

Naturally, the key actors in the political decision-making process are politicians representing the ruling coalition. In general, an important role in this process is also played by the labour unions, with seemingly less importance attributed to the representatives of business. Business elites are relatively weak and their relationships with politicians are characterised by reserve and distrust (especially in the last two years).

The influence of interest groups on the shape of state policy varies depending on the strength of their links with political parties. In recent years, this influence appears to be on the wane, yet there still are situations illustrating the extra-legal influence of interest groups on the functioning of the state.

The decay of civil dialogue and participation can also be observed. On the one hand, there are well-developed modern consultation standards; on the other hand these are merely on paper and are in reality rarely applied. This issue has been intensifying recently (for instance, very short consultation periods, disregard for comments, little or no consideration of negative feedback on the part of constitutional bodies). The involvement of citizens is also declining, especially if this is measured by their participation in the activities of non-governmental organisations and the low turnout at elections and referendums (Hausner, Mazur 2015).

The relationships between the political and administrative levels are formally shaped by the principle of a non-political, impartial, professional and neutral civil service. In practice, these principles have not always been fully respected by politicians, who showed a tendency to make the administration more politically involved. This is particularly evident in the activities of the current government.

The process of knowledge production for the design and implementation of public policies is relatively inefficient. Its main drawback is the absence of a structure embedded in the central government system which would act as its strategic centre. Nominally, there are various sources and channels of policy advice, including the knowledge of high-ranking officials, experts who are often active members of the ruling party, and members of political cabinets (who do not always have the necessary competencies). If one was to invoke the concept called loop learning, the Polish government is dominated by the single-loop learning approach, occasionally the double-loop learning approach, and rarely the triple-loop learning approach.

Recently, the Polish public administration has come under strong political pressure. The process of its politicisation is scaled up and political patronage intensifies as does the process of re-staffing in key positions.

When analysing the nature of bargaining taking place between the civil servants and their political superiors, the transformation of the political system should be taken into account. This resulted in a radical reconstruction of the rules, mechanisms and structures which required close cooperation and loyalty. It seems that this was strongly motivated by a sense of acting in the public interest. This motivation was supported by particularistic benefits: material ones (the relatively high salaries of senior officials), powers (a relatively wide range of discretionary powers), and status (a sense of belonging to the elite of the state). In turn, politicians gained the ability to implement their political intentions and present themselves as responsible leaders capable of modernising the state. The fundamental stage of the political transformation process was dominated by a kind of systematic bargaining which was required due to the scale of the challenges facing the country. Over time, they evolved into pragmatic bargaining, regrettably frequently marked by mistrust, which is often accompanied by shifting the responsibility for failures.

<b>Political economy</b> (liberal – coordinated)	<b>Interest intermediation</b> (corporatist – pluralistic)	<b>Citizen participation</b> (strong – weak)	<b>Policy style</b>
Liberal evolving into coordinated	Corporatist-oriented	Weak	Incrementalism evolving into transformation

<b>Sources of policy advice</b> (mandarins, cabinets, external experts)	<b>Administrative autonomy</b> (high – medium – low)	<b>Patronage &amp; politicisation</b> (formal, functional (merit – patronage) (high – medium – low)	<b>Public service bargaining</b> (Agency – Trustee)	<b>Stability</b> (high – low – no turnover after elections)
Party experts and members of political cabinets	Medium	High level of politicisation	Agency bargaining dominant	High stability evolving into instability

## 4.2 Administrative tradition and culture

During the period of political transformation, the Polish public administration system saw a chaotic implementation of solutions derived from different and in a number of respects contradictory management paradigms. As a result, it is difficult to identify a single organisational model or specific cultural model. Instead we are dealing with an institutional amalgamation. Polish public administration, as a random and chaotic product of different concepts and models, does not exhibit the characteristics of complexity and system orientation. Individual features of different orders – the rule of law, ideal bureaucracy, new public management or public governance – have not been combined to form a coherent whole.

Hofstede national culture dimensions		
Dimension	Value	Average EU28
Power Distance	68	52
Individualism/Collectivism	60	57
Masculinity/Feminity	64	44
Uncertainty Avoidance	93	70
Long-term Orientation	38	57
Indulgence/Self-restraint	29	44

**Sources:** Geert Hofstede's national culture dimensions, <https://geert-hofstede.com/national-culture.html>.<sup>5</sup>

The culture of public administration in Poland is characterised by a high level of acceptance of hierarchical methods of operation. It demonstrates an above average score for European administrations' individualistic culture accompanied by a preference for behaviour focused on rivalry and competition rather than cooperation. The inclination to avoid risk is also high, and the level of acceptance of experimentation and error is low. As far as objectives are concerned, short-term ones tend to dominate. This poses a major barrier to the implementation of long-term public policies. In terms of Indulgence and Self-restraint, the administrative culture dominant in Poland appears to be closer to the latter.

Administrative culture Rechtsstaat (state based on justice and integrity), public interest	Welfare state (liberal, conservative, social-democratic)	Public sector openness (open, medium, closed)
Rechtsstaat	Liberal/conservative	Medium

<sup>5</sup> Interpretation: Power Distance (high value = higher acceptance of hierarchy and unequal distribution of power); Individualism (high value = stronger individualist culture); Masculinity (high value = higher masculinity of society); Long-term Orientation (high value = stronger long-term orientation); Indulgence (high value = indulgence)

Key PA Values	Managerial vs Procedural (Managerial, Mixed, Procedural)	Red tape (regulatory density) (very high to very low)	Discretion/autonomy (high, low, medium)
Legality, impartiality, equality	Mixed	High	Medium

## 5 GOVERNMENT CAPACITY AND PERFORMANCE

### 5.1 Transparency and accountability

Indicator	Value 2014	EU28 rank	Value 2016	EU28 rank	Δ Value	Δ Rank
Access to government information (1-10)	8.00	8	8.00	10	0.00	-2
Indicator	Value 2013	EU28 rank	Value 2015	EU28 rank	Δ Value	Δ Rank
Transparency of government (0-100)	37.29	20	45.14	21	+7.85	-1
Indicator	Value 2010	EU28 rank	Value 2015	EU28 rank	Δ Value	Δ Rank
Voice and accountability (-2.5,+2.5)	1.03	17	1.04	15	+0.01	+2
Control of corruption (-2.5,+2.5)	0.41	18	0.58	17	+0.17	+1
TI perception of corruption (0-100)	53.00	18	62.00	14	+9.00	+4
Indicator	Value 2010	EU28 rank	Value 2014	EU28 rank	Δ Value	Δ Rank
Gallup perception of corruption (%)	68.00	13	78.00	18	+10.00	-5

**Sources:** Bertelsmann Stiftung, European Commission, World Bank Group, Transparency International, Gallup World Poll.

**Note:** The ranking of the Gallup perception of corruption is based on 27 countries, and on the 2009 values for Estonia and Latvia.

The transparency and accountability indicators demonstrate the importance of this issue. Poland fared best in terms of access to public information, although in recent years it has dropped two places. Poland's advance into the top ten European countries was made possible thanks to the implementation of such initiatives as the Public Information Bulletin and the Central Repository of Public Information in 2014 (improved in 2015).

The situation is much less positive where other indicators are concerned, including the transparency of government actions. The lowly 21<sup>st</sup> place in the ranking and the lack of perceptible improvement testify to the fact that the solutions, including the amended operating regulations of the Council of Ministers in 2014 which stipulated a greater transparency of processes and public consultation procedures, have failed to bring about the desired effects.

Public consultations are poorly promoted, and laws are enacted at a very fast pace. This undermines trust in both the institution of public consultation itself and in the government. Social dialogue gradually disappears, which is reflected in the marginalisation of the Tripartite Committee for Socio-Economic Affairs or the snubbing of urban movements by local authorities. The establishment of the Council for Social Dialogue (Hausner, Mazur 2015, pp. 86–87) can be considered as an attempt to revive these contacts. On the other hand, decisions taken by the government in 2016, undermining the independence of the judiciary and the prosecutor's office, raise concerns about a further reduction of transparency.

In terms of corruption, although things in Poland have changed for the better in comparison with the 1990s, the country is still lagging behind Western European countries. (For comparison: Poland's score in the Transparency International Corruption Perceptions Index in 2016 was 62, whereas Germany scored 81 and Denmark, ranked first, scored 90.) This was despite the operation of a number of institutions responsible for combating corruption, such as the Central Anti-Corruption Bureau (CBA), the Police Central Bureau of Investigation (CBŚP), the Internal Security Agency (ABW), the Supreme Audit Office (NIK), and Tax Audit Offices.

2011 saw the adoption of the Financial Liability of Public Clerks for Gross Violation of Law Act (Journal of Laws 2011, No. 34, item 173). In practice, in the first few years after it was passed, no officials were convicted. This may be partly due to the lengthy proceedings and group solidarity. In terms of accountability, one may also see feigned actions by state agencies. Review commissions are established, public admonitions are applied, but dismissal is considered to be the most serious punishment, without criminal or financial liability. A greater emphasis is placed on prosecutions for minor offences committed by representatives of the authorities in the public eye than on taking appropriate measures in the event of violations of legal provisions or enactment of harmful laws – these matters are mostly neglected, and even if the public is informed about them suspected officials are not brought to justice (Hausner, Mazur 2015, p. 85).

## 5.2 Civil service system and HRM

Indicator	Value 2012	EU28 rank	Value 2015	EU28 rank	Δ Value	Δ Rank
Impartiality (1-7)	3.27	17	2.24	11	-1.03	+6
Indicator	Value 2012	EU26 rank	Value 2015	EU26 rank	Δ Value	Δ Rank
Professionalism (1-7)	3.80	18	4.93	9	+1.13	+9
Closedness (1-7)	5.15	15	4.93	15	-0.22	0

**Sources:** *Quality of Government Institute (Gothenburg).*

The civil service reforms are characterised by a lack of continuity – almost every change of government results in significant adjustments which often re-establish previous solutions. This leads to chaos and a lack of a coherent vision. Even so, attempts were made to implement standards in the field of human resources management in the civil service. In 2013, a draft strategy in this area was prepared, but it was not adopted. For this reason, despite the clear improvement in the professionalism index according to the Gothenburg Institute, it is necessary to stabilise the civil service. Successive governments have addressed conflicting demands from the civil service, which is hardly conducive to its development or professionalisation. The amended Civil Service Act of 2016 is considered to promote discretion in filling vacancies (by appointment rather than competition), which raises concerns about its extreme politicisation. As was noted by R. Chrabąszcz, who specialises in this area, it may also serve to reduce the tensions between the civil service and its political superiors.

In 2015, employment in the civil service in Poland totalled 119 257 people and has slightly declined for the fifth consecutive year (from nearly 123 000 in 2010). In the same year, the employment turnover rate (people leaving their jobs) reached 7.3% (KPRM 2016, pp. 13–15). The table below presents a SWOT analysis of the civil service in Poland based on a report prepared annually by the Head of the Civil Service.

Strengths	Weaknesses
<p>Diversity of areas in which the civil service operates (a large number of experts from various fields)</p> <p>Transparency (availability of current and varied data about the state of the civil service and its activity)</p> <p>Large potential of organisations to implement new solutions and improve existing solutions aimed at modernising management</p> <p>The capacity of authorities to rationalise employment</p> <p>Extensive cooperation with international partners in streamlining the civil service system</p>	<p>Low level of public trust in administration</p> <p>Varying condition of management systems in individual organisations</p> <p>Multiplicity of entities responsible for human resources management in the civil service</p> <p>Insufficient flexibility in human resources management resulting from restrictions contained in legal provisions</p> <p>Insufficient planning of human resources management in the longer term</p> <p>Low salaries and the resulting poor competitiveness of the civil service (certain groups of organisations in particular)</p> <p>Limited motivational potential of salaries</p> <p>Limited mobility in the civil service</p>
Opportunities	Threats
<p>Use of European funds for the implementation of projects strengthening the potential of the Polish central government administration</p> <p>Exploiting the potential of individual organisations to share knowledge</p>	<p>Declining interest in careers in the civil service</p> <p>Insufficient financial resources for the implementation of projects modernising government administration</p> <p>Slowed down process of civil service professionalisation due to the reduced number of appointments</p> <p>Increasing staff turnover (people leaving the civil service)</p>

**Source:** Chancellery 2016, p. 7.

The report highlights the following most important areas for improvement (KPRM 2016, p. 8):

1. Improving trust in the civil service and its image. Raising society's awareness of the benefits of the civil service and its role through a focus on the needs of the citizens and modern forms of communication.
2. Quality of management and human resources in the civil service. It is necessary to modernise the systems and management standards applied by offices in order to ensure greater flexibility in managing human resources via a long-term plan.
3. Remuneration levels and appointment limits in the civil service. Relatively low salaries in the civil service combined with a cap on appointments create the risk that highly-trained staff may leave the organisations and also make it more difficult to bring in new specialists to replace them. In recent years, this has been seen in the trend of declining employment in the civil service and increased staff turnover.

### 5.3 Service delivery and digitalisation

Indicator	Value 2013	EU28 rank	Value 2015	EU28 rank	Δ Value	Δ Rank
E-government users (%)	11.39	22	15.68	22	+4.29	0
Pre-filled forms (%)	65.71	8	63.00	11	-2.71	-3
Online service completion (%)	76.29	12	80.00	18	+3.71	-6
	Value 2010	EU28 rank	Value 2016	EU28 rank	Δ Value	Δ Rank
Online services (0-1)	0.39	22	0.70	20	+0.31	+2
	Value 2013	EU27 rank				
Barriers to public sector innovation (%)	53.71	2				
			Value 2015	EU28 rank		
Services to businesses (%)			34.50	21		
	Value 2011	EU28 rank	Value 2016	EU28 rank	Δ Value	Δ Rank
Ease of Doing business (0-100)	65.77	24	77.81	11	+12.04	+13

**Sources:** European Commission Digital Economy and Society Index UN e-government Index, EU Scoreboard Public innovation, Eurobarometer no. 417, World Bank Group ease of doing business index.

In terms of e-government, the gap between Poland and countries considered to be leaders in this field is still significant, and the pace of change intended to bridge this gap is slow. The action required to bridge the gap includes the dissemination of e-administration tools among citizens and the provision of public services (Hausner, Mazur 2015, pp. 130–131). The scale of this problem is illustrated by the findings of research carried out on the basis of the European Commission’s Digital Economy and Society Index (DESI 2015). In 2015, Poland ranked 23<sup>rd</sup> out of 28 countries surveyed (in 2014, it ranked 24<sup>th</sup>).

However, the United Nations’ e-Government Development Index for 2016 may show positive changes, since Poland found itself among the high scorers (0.7211, range 0–1) alongside such European countries as Portugal, Czech Republic, Hungary, Greece and Monaco. The implementation of the ePUAP platform used by citizens to send official documents without a digital signature offers one of the best examples of the difficulties associated with the implementation of e-government in Poland. Even though the platform was originally launched in 2008, its popularity has declined due to its poor functionality. A similar example was described by J. Bereza, an expert in the management of public services. Since 2010, attempts have been made to implement the Integrated End User Support Module which would offer *gmina* authorities access to a central database containing information about the population and identity cards. As a result of problems with the tender specification (amongst other problems), the project was put on hold. A new application to operate the System of National Registers was not made available until 2015. In 2016, the new government presented the State Integrated Computerisation Programme, which involves a series of initiatives aimed at expanding and improving the functioning of e-governance in Poland, but for the moment it is difficult to assess the degree of its operationalisation.

A number of initiatives have been proposed to support entrepreneurs in establishing and running their businesses. The creation of a one-stop shop, which would greatly simplify and shorten the process of setting up a firm, was supposed to become operational in 2009. In practice, this reform encountered a number of difficulties and there is still a lot of room for improvement. One of the elements to improve the operation of the business administration was the launch of the Central Register and Information on Business in

2011. In 2014, a simplified registration procedure in the National Court Register was implemented. In 2015, the digital Contact Point started bringing together services for entrepreneurs (biznes.gov.pl). The relative improvements in the field of business services were reflected by the latest results of the Doing Business report, in which Poland was singled out for praise in the field of regulatory reform for entrepreneurs out of the high-income group of OECD countries. It emphasised, among other things, significant progress in enforcing contractual provisions (down from 1000 days in 2004 to 685 days in 2015). (Doing Business 2016, p. 16). This is an important development, since one of the factors that hamper business activity is the high degree of inconsistency and instability of the law in Poland (Hausner, Mazur 2015, p. 124).

#### 5.4 Organisation and management of government

Indicator	Value 2014	EU28 rank	Value 2016	EU28 rank	Δ Value	Δ Rank
Strategic planning capacity (1-10)	7.00	6	7.00	7	0.00	-1
Interministerial coordination (1-10)	7.00	13	7.00	13	0.00	0
SGI Implementation capacity (1-10)	7.43	5	7.57	5	+0.14	0
	Value 2012	EU26 rank	Value 2015	EU27 rank	Δ Value	Δ Rank
QOG Implementation capacity (1-7)	4.64	19	4.44	26	-0.20	-7

**Sources:** Bertelsmann Stiftung, Quality of Government Institute (Gothenburg).

According to the SGI index, Poland ranks among the best EU Member States in terms of the overall effectiveness of public policy implementation. As far as partial indicators are concerned, the highest scores (8/10) were given to ministerial compliance, monitoring agencies and bureaucracies, national standards, and government efficiency. It should be noted that the survey in question took into account the activities of the previous government (Civic Platform and Polish People's Party coalition). In the case of the current government, the Prime Minister has a much smaller influence on the actions taken by her ministers owing to the strong position of the informal leader – president of the ruling party – which is also reflected in political appointments. Next, in view of the forthcoming local elections, the planned amendments to the electoral law pose a risk of deterioration in the national standards indicator. This issue is likely to have a negative impact on the constitutional discretion indicator (currently 7/10), in the case of which the relatively high scores were due to the limited interference of the previous Prime Minister in matters reserved for local self-governments. According to Michał Żabiński, an expert on local government, the issue of independence and the scope of autonomy of local authorities should be subjected to special scrutiny in view of the fact that the current ruling party champions its vision of a strong and centralised state. Doubts are also raised about its strategic planning capacity, because the new ruling party contests the strategic documents developed by the previous government and puts forward new proposals, for instance in digitisation and education. Consequently, the relatively high value of this indicator should be treated as an exception rather than the rule, owing to the fact that the previous government remained in power for two terms. From the point of view of strategic management, the flagship project of the current government is the Strategy for Responsible Development prepared by the Ministry of Development and adopted in 2017. It is the most important document setting the direction for sustainable development in Poland in the medium term (looking ahead to 2030). The low capacity for implementation according to the Quality of Government should also be noted: in 2012-2015, Poland slipped in the ranking to one of the lowest spots (26) in comparison



with the other EU Member States, although the indicator in question fell only slightly (from 4.64 to 4.44, range 1-7).

Certain previously-mentioned problems associated with strategic planning do not result from its design but from the insufficient capacity of its actors to fulfil their assigned duties. For this reason, the most important challenges in this area include: the need to make better use of strategic diagnoses in the decision-making processes; the need for greater consideration of inter-sectoral links and their long-term consequences in the decision-making processes, and linking financial resources with strategic objectives; the need to strengthen the horizontal coordination mechanisms and the need to improve the quality of impact assessment of the implemented solutions (Ledzion, Mazur, Olejniczak 2014, pp. 10–15).

In recent years, aside from the tendency to strengthen the position of the Chancellery of the Prime Minister, another significant change involved increasing the role of the ministry responsible for development. This culminated in 2016, when the then Minister of Development took over the portfolio of the Minister of Finance as well. From the point of view of managing government administration, the reform of public finance in recent years is of special interest. In 2011, a decision was made to introduce a temporary expenditure rule and the relevant provision came into effect in 2014.

## 5.5 Policy-making, coordination and regulation

Indicator	Value 2014	EU28 rank	Value 2016	EU28 rank	Δ Value	Δ Rank
<b>Societal consultation</b> (1-10)	7.00	8	7.00	7	0.00	+1
<b>Use of evidence based instruments</b> (1-10)	7.67	6	8.00	5	+0.33	+1
	Value 2010	EU28 rank	Value 2015	EU28 rank	Δ Value	Δ Rank
<b>Regulatory quality</b> (-2.5,+2.5)	0.98	20	1.00	18	+0.02	+2
<b>Rule of law</b> (-2.5,+2.5)	0.66	22	0.80	20	+0.14	+2

**Sources:** Bertelsmann Stiftung, World Bank Group.

In Poland, draft legislation is widely consulted, which translates into its high position in rankings based on the societal consultation index. A major role in this case was played by public opinion, which actually forced the lawmakers to introduce legislation to that effect. In practice, however, consultations are carried out mainly at the stage of bill drafting. The relatively large scope of freedom in the way consultations are conducted is reflected in the often-negative perception of the instrument – the most common charges include the fact that the drafters do not have to respond to the demands made, which demotivates the participants in the process and undermines their importance from the point of view of improving the law and taking into account the interests of citizens (Batory Foundation). A good example from 2016 is the implementation of the educational system reform, which caused a great deal of controversy due both to the nature of the changes and to the way it is being processed, including public consultations.

Problems associated with public consultations at the regional level should be pointed out. Public administration offices only have a very short time within which to prepare draft government legislation; moreover, only a small number of suggested changes are taken into consideration. More importantly, no justification is provided for rejecting comments, nor are they discussed with local self-government units. On the other hand, quite often regional administration demonstrates no initiative in this area, preferring to remain passive. Since 2001, Poland has taken serious action in the area of evidence-based

policies. In 2006, the Regulatory Reform Programme was adopted, which constitutes the basis for impact assessment studies. The introduction of this instrument, which is meant to optimise impact assessment in Poland, has contributed to raising the instrument's profile.

In recent years, numerous training courses have been held for officials, and the results of impact assessments are published on the websites of individual ministries and the Government Legislation Centre. These activities have contributed to the strong position of Poland in the use of evidence-based instruments ranking. It should be noted, however, that there is still room for improvement, since effective impact assessment is hard to conduct due to the difficult access to relevant data, the lack of standards (for example in defining the problems), and - despite training - the problems of understaffing and a shortage of skills (Gorniak, Mazur 2015).

One point of significant concern is the negative value of the quality of regulation indicator despite its slight upward trend. One of the reasons behind this is the unsatisfactory use of instruments such as public consultation and impact assessment to improve the quality of law. Another factor to be considered is the inflation of laws. In Poland, one of the main indicators of government activity is the number of legal acts prepared by the government, which translates into frequent changes in legislation (e.g. Poland has a complicated tax system, although according to the Paying Taxes 2016 report prepared by PwC, recent years have seen considerable progress in this area; Poland currently ranks 58<sup>th</sup> in the world) (PwC 2016).

Poland has a relatively low score in the area of rule of law, yet it appears that the actions of the current government will contribute to their further deterioration. The contributing factors include the weakened position of the Constitutional Court, combining the functions of the Minister of Justice and the Prosecutor General, or weakening the independence of the National Judicial Council.

## 5.6 Overall government performance

Indicator	Value 2010	EU28 rank	Value 2016	EU28 rank	Δ Value	Δ Rank
Trust in government (%)	28.00	15	22.00	22	-6.00	-7
	Value 2011	EU27 rank				
Improvement of PA over last 5 years (%)	11.00	7				
	Value 2010	EU28 rank	Value 2015	EU28 rank	Δ Value	Δ Rank
Public sector performance (1-7)	3.67	22	3.93	17	+0.26	+5
Government effectiveness (-2.5,+2.5)	0.64	23	0.80	22	+0.16	+1

**Sources:** Eurobarometer 85, Eurobarometer 370, World Bank Group, World Economic Forum.

The analysis of individual aspects of the performance of the government and its administrative apparatus allows for a handful of general conclusions. A comparison of the values of indices reported 10 to 15 years ago with the latest data reveals moderate improvement (WIFO/ZEV/ideaconsult 2012, p. 212), Poland's improved position in the public-sector performance ranking can be assumed to reflect this. However, given the gap between Poland and Western European countries, it appears that the process of achieving convergence is progressing too slowly. This is demonstrated by the fact that the indicators showing better government effectiveness (change from 0.64 in 2010 to 0.80 in 2016) brought about a negligible improvement in Poland's position in relation to other European Union Member States. At the same time, Poland's public administration

costs quite a lot to run. In this respect, it ranks among the top EU Member States with the spending on public administration to GDP ratio of over 10% (The Netherlands Institute for Social Research, 2015, p. 277).

In the period from 2010 to 2016, Poland has noticeably slipped in the ranking relating to trust in government. The Public Integrity and Trust in Europe Report indicates that the same negative trend was observed throughout the EU in the period 2008 to 2013 (Mungiu-Pippidi, 2015, p. 10). In recent years, the trust index remained at a similar level in Poland, so its relative fall was mainly due to the fact that the trust score increased in other countries from previously low levels. For example, according to 2013 data, Poland ranked 19<sup>th</sup> with a trust index score of 22% (Eurobarometer 81), whereas in 2014 it fell to 20%, which translated into Poland's 24<sup>th</sup> place in the ranking (Eurobarometer 83). Action taken and announced by the current government may contribute to a host of negative changes in the functioning of public administration. It is therefore difficult to predict the future values of indicators in this area.

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