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## INFLUENCE OF THE PRINCIPLE OF PARTNERSHIP ON CHANGES IN THE OPERATION OF PUBLIC ADMINISTRATION BODIES

### Introduction

It is unquestionable that the shape of law, and consequently the way a state and its administration operate, is inevitably affected by axiological factors determining the current catalogue of values adopted by the legislator and other entities applying law. Factors of axiological nature (here including those which lead to changes in the catalogue of values and emergence of new values), as well as factors of political nature (such as political and economic doctrines, general world views) in theory are recognised among the most important determinants of public administration, regarding its structural system, as well as ways and methods of operation<sup>1</sup>. Research in public administration, from the viewpoint of its general system or its fragment, suggests there may be tendencies for changes in administration, initiated by axiological factors. In fact, although it is mostly representatives of philosophy, legal theory and jurisprudence<sup>2</sup> that focus on issues related to legislator's axiological system, this subject matter is also of interest to sciences of administrative law precisely because these issues cannot be separated<sup>3</sup>.

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<sup>1</sup> This was discussed e.g. by: J. Łukasiewicz, *Zarys nauki administracji*, Warszawa 2005; H. Izdebski, *Fundamenty współczesnych państw*, Warszawa 2007; Z. Leoński, *Nauka administracji*, Warszawa 2010; Z. Cieślak, *Nauka administracji*, Warszawa 2012.

<sup>2</sup> T. Czeżowski, *Czym są wartości* [in:] T. Czeżowski, *Filozofia na rozdrożu*, Warszawa 1965; *idem*, *O przedmiocie aksjologii* [in:] T. Czeżowski, *Pisma z etyki i teorii wartości*, ed. P.J. Smoczyński, Wrocław 1989, as well as M. Kordela, *Wstęp metodologiczny do wykładni aksjologicznej* [in:] *Wielowymiarowość prawa*, eds. J. Czapska, M. Dudek, M. Stępień, Toruń 2014.

<sup>3</sup> J. Zimmermann, *Aksjomaty w prawie administracyjnym*, Warszawa 2013, as well as *Antywartości w prawie administracyjnym*, ed. A. Błaś, Warszawa 2016.

Such factors, significantly determining changes, may include the vision, currently applying to operation of administration, and favouring implementation of specific values which have been defined in a normative form in the principles of the state's system and the principles of law pertaining to public administration. The catalogue of such principles and the related values is reflected by the provisions of the current Constitution as well as legal norms contained in ordinary legislation, and particularly in constitutional, material and procedural administrative law. Examples of the above include the principle of common good<sup>4</sup> and the principle of democratic state ruled by law<sup>5</sup> as well as the related principle of the rule of law in administrative operations<sup>6</sup>, and the principle of increasing citizens' trust in the State bodies<sup>7</sup>, and other<sup>8</sup>. The catalogue of values and principles, stipulated in the basic legal acts, is affected by the values and principles derived from legal acts originating outside the internal system. Hence the legislator's axiological catalogue is subject to change; this can be observed in many areas of administrative law, significantly affected by the laws of the European Union which are implemented domestically and transfer values shared by the whole Community or recognised as important at a given stage of its development.

One of the affected domains is the area of the performance of authority. The changes emerging in this sphere are associated with concepts originating from outside of the internal order, i.e. the idea of *good governance*, or the theory of deliberative governance. These focus on issues related to creating a new model and innovative mechanisms in the operation of administration which is to give up bureaucratic methods and replace these with participatory methods.

Obviously, the change will not be achieved as long as the values defined in the concepts are not adopted in the legal norms pertaining to administration. The latter are transformed in such a way that amended administrative laws gradually incorporate changes resulting from specific regulations adopted at the level of EU law.

One of the manifestations of this transformation is linked with the newly emerging forms of cooperation between administration and its environment, resulting from the new principle adopted by administration – the principle of partnership. The purpose of the current study is to identify the basis for the

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<sup>4</sup> Constitution of the Republic of Poland of 2 April 1997, Dz.U. 1997, No. 78, Item 483 as amended, Art. 1.

<sup>5</sup> *Ibidem*, Art. 2.

<sup>6</sup> *Ibidem*, Art. 7.

<sup>7</sup> Act of 14 June 1960 – Code of Administrative Procedure, uniform text: Dz.U. 2018, Item 2096, Art. 8.

<sup>8</sup> This is discussed by authors of university textbooks in administrative law; a review and classification of theoretical principles in administrative law can be found in the monograph: by *Prawo administracyjne, pojęcia, instytucje, zasady w teorii i orzecznictwie*, ed. M. Stahl, Warszawa 2000, p. 83–133.

change which took place following the adoption of the principle of partnership in the EU legal framework. The change is realised in the frames of development policy designated for implementation by units of territorial government.

### **Partnership as a substrate of the principle of partnership**

The term “partnership” in the above narrow sense is a concept which has not been defined in the literature related to administrative law. The reason for this may lie in the very essence of administrative law, as a branch of public law, which stipulates that its legal relations are based on inequality of the parties. One of the parties is an organ of the state, which is superior to the other party, a citizen or another entity subject to administration. The relationship itself is one-sided, resulting from the power of authority, and the right to make unilateral decisions regarding the contents of the relationship<sup>9</sup>.

Notwithstanding, a concept of public-private partnership is known in norms of administrative law. Its normative definition is determined by the regulations about public-private partnership<sup>10</sup>. However, the term is reserved for specific relationships and cannot be generalised.

Therefore, the concept of partnership should be defined by reference to the etymology of the word, which is consistent with the general principles for identifying the meaning of specific terms based on the rules of linguistic interpretation.

*Encyclopaedia Britannica*, in a general sense, defines partnership as: “voluntary association of two or more persons for the purpose of managing a business enterprise and sharing its profits or losses”. In a narrower definition, adequate in the context of governance, partnership means: “governance politics and power patterns of rule or practices of governing”<sup>11</sup>. According to Polish Language Dictionary, *partnerstwo* (partnership) means “współuczestniczenie w czymś” (joint involvement in something), including equal treatment of each

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<sup>9</sup> R. Hauser, *Stosunek administracyjnoprawny* [in:] *System prawa administracyjnego*, vol. 1: *Instytucje prawa administracyjnego*, eds. R. Hauser, Z. Niewiadomski, A. Wróbel, Warszawa 2010, p. 195–198.

<sup>10</sup> The definition is comprised in Act of 19 December 2008 on public-private partnership, uniform text: Dz.U. 2017.1834 as amended, Art. 1, clause 2. In accordance with the currently valid definition, public-private partnership is understood as joint implementation of a project based on division of tasks and risks between the public entity and the private partner. Notably, the earlier version of the act, i.e. Act of 28 July 2005 on public-private partnership, also introduced a concept of this type of partnership, but adopted a different definition. The change was related to a narrower catalogue of private partner entities and different specification of its object. More in: N. Leśniak-Niedbalec, *Prawna definicja partnerstwa publiczno-prywatnego w Polsce*, „Rocznik Lubuski” 2017, vol. 43, part 2, p. 191–201.

<sup>11</sup> <http://www.britannica.com/search?query=partnership>.

other<sup>12</sup>. This shows that if the concept of partnership, based on this type of definition of partnership, is considered in the context of administrative law, the conventional way of accounting for the relationships between bodies of public administration and citizens or other clients would have to change. This change is noticeable in connection with the fact that administrative law is infused with civil law whose consensual forms are transferred to regulations related to legal forms of administrative operations. The phenomenon is seen as highly controversial, and there are opinions claiming that it adversely affects the inherent nature of administrative law<sup>13</sup>.

The principle of partnership, which in this study is analysed in detail, comprises an assumption that a partnership is constructed in such a way that both parties to relationships implemented based on administrative law are on equal footing, and the relationship itself assumes elimination of power.

Partnership, defined jointly with norms setting forth the principle of partnership, is an example of a situation where relations between public administration and other entities are based on the concept of cooperation. The relations may take different forms and be implemented at various levels of territorial jurisdiction of administrative bodies, including the level of territorial government units.

Subjective and objective substrate of partnership is to be identified in the regulations of the European Union related to development and implementation of cohesion policy. Starting from 1988, when subsequent regulations related to the way Structural Funds were to be implemented were introduced under Community legislation, the principle of partnership was defined as the principle of operation; this was followed with definitions of the concept of “partnership” itself<sup>14</sup>.

In accordance with Council Regulation (EC) No. 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds partnership was understood as “joint pursuit of goals through close coordination between the Commission and a member state as well as with regional and local bodies and institutions – economic and social partners on the basis of equality and full respect for the separateness of the partners”<sup>15</sup>. Notably, an obligation was introduced for the member states to organise partnerships, which in accordance with the applicable laws and practice should engage relevant regional, local and municipal authorities and other public authorities; business and social partners and other relevant

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<sup>12</sup> <http://sjp.pl/partnerstwo> oraz <http://sjp.pwn.pl/sjp/partnerstwo;257079>.

<sup>13</sup> J. Jagielski, P. Gołaszewski, *Kryzys prawa administracyjnego a zmiana jego paradygmatu* [in:] *Jakość prawa administracyjnego*, eds. D.R. Kijowski, A. Miruć, A. Szuławko-Karetko, Warszawa 2012, p. 27–44. See also: K. Chochowski, *Kryzys prawa administracyjnego w administracji publicznej – rzeczywistość czy fikcja?* [in:] *Wypieranie prawa administracyjnego przez prawo cywilne*, eds. A. Doliwa, S. Prutis, Warszawa 2012, p. 58–75.

<sup>14</sup> A. Barczewska-Dziobek, *Partnerstwo publiczno-społeczne jako zasada w prawie administracyjnym*, Rzeszów 2019, p. 152 et seq.

<sup>15</sup> OJ L 161 from 26.6.1999, p.1, Art. 8.

partners representing the civil society, partners involved in issues related to the natural environment, non-governmental organisations and entities responsible for supporting equal rights of men and women<sup>16</sup>.

Successively adopted regulations set out the obligation for the member states to implement the principle of partnership and to organise partnerships if they were planning to implement development projects co-financed by European Social Fund (ESF), European Regional Development Fund (ERDF), Cohesion Fund (CF), and European Agricultural Fund for Rural Development (EAFRD)<sup>17</sup>, which was to reflect the assumption that the form of partnership and cooperation conducted in its framework can improve effectiveness of operations and is a tool for using financial resources in compliance with adequately identified public needs. Such assumption was reflected in a report developed by a working group of EU Member States on Partnership, according to which: “partnership is based on the experience that multi-dimensional problems can only be successfully tackled when organisations, with profiles and competencies that complement and reinforce each other, co-operate actively by developing synergies, and by sharing visions and objectives, opportunities, risks, commitments and tasks, competences and resources”<sup>18</sup>.

The currently recognised subjective and objective scope of partnership is in line with the priority of inclusive growth defined by Europe 2020 Strategy<sup>19</sup>. According to this approach partnership contributes to implementation of social inclusion, which is understood as cooperation of public authorities with social partners in programming, implementation and evaluation of all aspects of cohesion policy<sup>20</sup>. By adopting the principle of partnership expressed in such a way, it is possible to intensify the mechanisms of cooperation, particularly in the form of consultations, and to develop new cooperation models that realise social inclusion.

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<sup>16</sup> D. Kucharski, *Diagnoza regulacji i realizacji zasady partnerstwa w Polsce i krajach UE*, Warszawa 2014, p. 17.

<sup>17</sup> Regulation (EC) No 1081/2006 of the European Parliament and of the Council of 5 July 2006 on the European Social Fund and repealing Regulation (EC) No 1784/1999, OJ L 210/12 from 31.7.2006; Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999, OJ L 210/25; Regulation (EC) No 1081/2006 of the European Parliament and of the Council of 5 July 2006 on the European Social Fund and repealing Regulation (EC) No 1784/1999, OJ L 210/12 from 31.7.2006; Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), OJ L 277/2005.

<sup>18</sup> *The principle of Partnership in the new ESF programmes (2007–2013)*, [http://ec.europa.eu/employment\\_social/equal\\_consolidated/data/document/200606-reflection-note-partner\\_pl.pdf](http://ec.europa.eu/employment_social/equal_consolidated/data/document/200606-reflection-note-partner_pl.pdf), p. 4.

<sup>19</sup> *Europe 2020: A strategy for smart, sustainable and inclusive growth*, Brussels 2010, p. 5, [http://ec.europa.eu/eu2020/pdf/1\\_PL\\_ACT\\_part1\\_v1.pdf](http://ec.europa.eu/eu2020/pdf/1_PL_ACT_part1_v1.pdf).

<sup>20</sup> The concept of social inclusion is discussed by M. Tusińska, *Włączenie społeczne w krajach Unii europejskiej – refleksja na półmetku realizacji Strategii Europa 2020*, „Nierówności Społeczne a Wzrost Gospodarczy” 2016, no. 47(3), p. 217–226.

## The principle of partnership in EU and domestic regulations, and its impact

The objective scope of measures associated with implementation of the principle of partnership includes public administration related matters subject to regulations pertaining to development policies. In connection with the fact that the EU adopted the model of partnership-based cooperation promoting social inclusion, Polish legislation also introduces the mechanisms of partnership to be applied in planning and implementation of development policies; this is reflected in the provisions set forth in Act of 6 December 2006 on the rules of supporting regional development<sup>21</sup> and Act of 11 July 2014 on the principles of implementation of the cohesion policy programmes, financed under the 2014–2020 financial perspective<sup>22</sup> (referred to as “implementation act”).

The legal norms set forth in the above acts specify obligations in accordance with which bodies of public administration are required to implement the model objectives and methods for conducting development policy complying with the EU cohesion policy. The model stipulates the principle of equivalence in cooperation between public authorities and other entities, and the principle of the indisputable entitlement of the latter to make efforts for socially useful purposes<sup>23</sup>. Furthermore, the model envisages collaboration in the processes of designing development policies and programmes (regional, operational), their implementation (e.g. using funds from the EU budget) and their supervision (monitoring).

As it was pointed out earlier, there is greater emphasis to mechanisms of cooperation in the form of consultations. Pursuant to the regulations of the provisions on the principles for supporting regional development, mandatory consultations and discussions are carried out in connection to drafts of the following:

- partnership agreement which sets forth terms, and conditions, goals and purposes for allocating funds originating from the European Union budget, and which is prepared jointly with social partners and business partners, and approved by the European Commission<sup>24</sup>,
- the country’s long-term and medium-term development strategy<sup>25</sup>,
- regional development strategy<sup>26</sup>,
- operational programmes and development programmes<sup>27</sup>.

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<sup>21</sup> Uniform text: Dz.U. 2019, Item 1295.

<sup>22</sup> Uniform text: Dz.U. 2018, Item 1431.

<sup>23</sup> A. Barczewska-Dziobek, *Zasada partnerstwa w relacjach administracji z obywatelami. Zarys problematyki* [in:] *Zastosowanie idei governance w prawie administracyjnym*, ed. I. Niżnik-Dobosz, Warszawa 2014, p. 108–109.

<sup>24</sup> Uniform text: Dz.U. 2019, Item 1295, Art. 5, clause 9a in connection to Art. 6 and 14e.

<sup>25</sup> *Ibidem*, Art. 9–21a.

<sup>26</sup> *Ibidem*, Art. 14, 14a, 14b, 14ba, 14c.

<sup>27</sup> *Ibidem*, Art. 19a.

The mechanism for implementing the adopted strategies and programmes is defined by the provisions of the implementation act in accordance with which the said mechanism is based on a system of entities referred to as implementing and monitoring institutions. Partnership based cooperation of the relevant organs during implementation processes involves ongoing monitoring by the so-called monitoring committees. These are collegial bodies with competences defined in the Act and comprising representatives of public administration bodies and social partners. Pursuant to these detailed regulations, social partners represented in the committees include:

- trade unions and employer organisations, in compliance with the Act of 24 July 2015 on Social Dialogue Council; they are represented in the Social Dialogue Council (in the case of national operational program) or in Regional Social Dialogue Councils (in the case of regional operational program),
- General Council for Science and Higher Education or Conference of Rectors of Polish Academic Schools,
- non-governmental organisations selected in a procedure carried out by the Council for Public Benefit Operations (in the case of national operational program) or by Regional Council for Public Benefit Operations (in the case of regional operational program) whose activity is based on Act of 24 April 2003 on public benefit operations and voluntary work<sup>28</sup>.

Partnership, which by its essence involves cooperation of individuals representing various entities in a body performing advisory and consultative functions, is related to engagement of various bodies and entities in works carried out by one entity seeking to jointly achieve the goal defined as the task of a committee<sup>29</sup>.

From the viewpoint of these considerations, initially the most important legal act implementing the principle of partnership and introducing specifically defined partnership-based cooperation was the Act of 7 March 2007 on supporting rural development through co-financing by the European Agricultural Fund for Rural Development<sup>30</sup>. It was changed during the subsequent planning period, and today is in force under a new name: Act of 20 February 2015 on supporting

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<sup>28</sup> Uniform text: Dz.U. 2018, Item 1431, Art. 14.

<sup>29</sup> Tasks are defined for monitoring committees in acts establishing the said committees. Monitoring committee for national operational program is established by a decree of the managing authority while a monitoring committee for a regional program is established by a resolution. For example, the Monitoring Committee for National Operational Program – Knowledge, Education Development (OP KED) was appointed by the Minister of Investment and Economic Development acting as the managing authority. The committee's tasks include a systematic review of program implementation, with a focus to achievement of objectives, analysis of issues affecting program implementation, review and evaluation of changes in the program, presentation of comments on the implementation and evaluation of OP KED, as well as monitoring of follow-up actions and promotion of the principle of partnership, <https://www.power.gov.pl/strony/o-programie/instytucje/komitet-monitorujacy/>.

<sup>30</sup> Dz.U. 2007, No. 64, Item 427 as amended.

rural development through co-financing by the European Agricultural Fund for Rural Development during 2014–2020<sup>31</sup>. Passed at the same time, the Act of 20 February 2015 on local development through engagement of local community<sup>32</sup> was intended to implement provisions of Regulation (EU) No. 1305/2013 of the European Parliament and of the Council of 17 December on support for rural development by the EAFRD<sup>33</sup>.

The issue of implementing the principle of partnership and its essential aspect, i.e. social inclusion, is approached by the two regulations in a specific way. These are partnerships established at a local level, and involving local government bodies: municipalities and poviats; these work jointly with other social partners including representatives of the local community seeking to carry out tasks related to local development.

As for its legal form defined by the aforementioned acts, a partnership is a public-social corporation, an association known as a local action group. It has a fixed structure, and a management board established based on a parity taking into account involvement of all the engaged partners. Its operations are based on a strategy defining its goals and methods of achieving these. Its activity is financed from the association's own budget and the operations designed to implement the local development strategy may be subsidised<sup>34</sup>.

This type of association, i.e. a local action group, implements the model assumptions adopted in the European Union since 1991, the so-called LEADER method<sup>35</sup>, which was based on the principles of territoriality, grassroots initiatives, integrity of approach and partnership, decentralization of management, innovation and networking.

Territoriality means that a strategy is developed and implemented for a given area (cohesive and inhabited by a population in the range from 5,000 to 150,000). Grassroot initiatives – it is the local population that decides on what is to be done and how, through their involvement in designing the local development policy and operations of the local action group. The third principle is related to the integrity of the approach and comprehensive understanding of issues relevant for a particular area, i.e. the determinants, resources, limitations, chances and opportunities. It is also associated with engaging various groups of stakeholders. The fourth principle, i.e. partnership, means that a local action group is created on equal terms by three categories of partners: public,

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<sup>31</sup> Uniform text: Dz.U. 2018, Item 627.

<sup>32</sup> Uniform text: Dz.U. 2019, Item 1167.

<sup>33</sup> OJ L 347 from 20.12.2013, p. 487 as amended.

<sup>34</sup> B. Przywora, *Lokalne grupy działania jako nowa forma współdziałania jednostek samorządu terytorialnego* [in:] *Formy współdziałania jednostek samorządu terytorialnego*, ed. B. Dolnicki, Warszawa 2012, p. 99–110.

<sup>35</sup> <http://www.fundusze-strukturalne.pl/leader.html>.

private and social. The first category mainly includes municipalities, and sometimes poviats government. The second category of entities comprises local entrepreneurs and natural persons, and the third one includes local organisations, e.g. associations and foundations whose statutory goals are linked to local issues. The principle of partnership determines a necessity to open to new members of the local action group. The principle of self-management at the local level is related to the fact that the local action group is independent from other entities, in particular administration bodies of the local government unit which is part of it. Finally, the principle of innovation means that the Leader method is a way to look for new, innovative solutions for problems faced by the local community in a specific territory – the so-called innovativeness in a given place and time. These were supplemented with a principle adopted by LEADER program whereby national and international networks of local action groups are to be established in order to share good practices, to learn and to apply experiences gained by others<sup>36</sup>.

Application of the LEADER method involves implementation of measures for the development of a given area. These measures are based on a development strategy, which is adopted through cooperation; their implementation involves a use of a monitoring mechanism intended to verify whether the specified objectives and results are being achieved. This monitoring allows to update the ways of operation, preferably to include innovative methods<sup>37</sup>. By its essence this approach allows to adopt new concepts or ideas, and to apply these effectively<sup>38</sup>. This is related to application of novel organisational solutions, unknown earlier, and to achievement of new benefits for the society. Innovative organisational approach lies in the new structure which closely links the sectors that previously functioned separately; this is reflected in the rules defined for establishing a local action group association<sup>39</sup>. Innovativeness is reflected in its unique organisation as a legal entity, involving a change of the legal status of the membership in relation to units of territori-

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<sup>36</sup> W. Goszczyński, *Partnerstwo jako nowa forma aktywności obywatelskiej* [in:] *Działalność organizacji pozarządowych – 10 lat doświadczeń pod rządami ustawy o działalności pożytku publicznego i o wolontariacie*, eds. M. Falej, P. Falej, U. Szymańska, Olsztyn 2015, p. 36 et seq.; K. Janiak, M. Jakubowicz, B. Kucharska, *Leader w Unii Europejskiej. Pilotażowy program LEADER+ w Polsce* [in:] *LEADER szansą dla polskiej wsi*, Warszawa 2008, p. 9 et seq.

<sup>37</sup> U. Budzich-Szukała, *Program LEADER w Polsce – sposób na aktywizację wsi*, Warszawa 2008, p. 120 et seq.

<sup>38</sup> [http://enrd.ec.europa.eu/enrd-static/leader/leader/leader-tool-kit/the-strategy-design-and-implementation/the-strategy-design/pl/what-is-innovation\\_pl.html](http://enrd.ec.europa.eu/enrd-static/leader/leader/leader-tool-kit/the-strategy-design-and-implementation/the-strategy-design/pl/what-is-innovation_pl.html). More: K. Zajda, Ł. Sykała, K. Janas, M. Dej, *Metody i instrumenty rozwoju lokalnego, LEADER, RLKS, innowacje społeczne*, Łódź 2016.

<sup>39</sup> The rules are set forth in Regulation by Minister of Agriculture and Rural Development, dated 23 May 2008, on the specific criteria for and methods of choosing a local action group, to implement a local strategy for activities carried out in the framework of 2007–2013 Rural Development Program, uniform text: Dz.U. 2013, Item 861.

al government<sup>40</sup>. Finally, innovativeness is reflected by the ways local community is engaged in the decision-making processes, whereby the previously used traditional consultation mechanisms are replaced with a mechanism of joint decision making<sup>41</sup>.

## Conclusion

The principle of partnership is one of the basic principles in implementing EU cohesion policy. Constituting a normative form of the value referred to as social inclusion, the principle strengthens the obligation to apply mechanisms for consultation and consensual decision-making shared by public entities and social partners. Its impact in the Polish law can be seen ever since newly emerging domestic regulations started defining specific procedures for drawing up and implementing partnership agreements, development strategies and programs for their implementation. The model of partnership in the area of planning and in executing the above public policies is achieved through the jointly performed processes of designing the policies and managing financial resources<sup>42</sup>. At the central and regional level this is reflected by the operation of monitoring committees. On the other hand, at the local level this is achieved through establishment and operation of innovative partnerships, i.e. local action group. Involving public and non-public stakeholders, local action groups combine in their operations various areas of economic development in a bottom-up, territorially coherent and integrated way and engage various interest groups. Undoubtedly, the fact that they are widespread, which contributes to local communities' engagement in and commitment to local development tasks, as well as the scope of local development strategies and methods of their implementation, and the amounts of financial resources used<sup>43</sup> justify a conclusion that the principle of partnership introduced into the processes of designing and implementing cohesion policy has contributed to a significant change. In addition to the existing forms and methods of public administration, some of which were known to be of a non-authoritative nature, today there are also new and widely applied forms of partnership-based management of local development, which are of innovative nature.

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<sup>40</sup> A. Barczewska-Dziobek, *Instytucjonalne formy współdziałania jednostek samorządu terytorialnego z organizacjami pozarządowymi* [in:] *Formy współdziałania jednostek samorządu terytorialnego*, ed. B. Dolnicki, Warszawa 2012, p. 29.

<sup>41</sup> A. Barczewska-Dziobek, *Organizacje pozarządowe jako podmioty partycypacji społecznej* [in:] *Partycypacja społeczna w samorządzie terytorialnym*, ed. B. Dolnicki, Warszawa 2014, p. 741.

<sup>42</sup> *Administracja i zarządzanie publiczne. Nauka o współczesnej administracji*, ed. D. Sześciło, Warszawa 2014, p. 272.

<sup>43</sup> Final report: Evaluation of local action groups implementing the local development strategy in the framework of 2007–2013 RDP, [http://ksow.pl/fileadmin/user\\_upload/ksow.pl/pliki/ANA\\_LIZY\\_ekspertyzy/LGD\\_raport\\_poprawiony\\_ost\\_bis\\_10\\_09\\_2012.pdf](http://ksow.pl/fileadmin/user_upload/ksow.pl/pliki/ANA_LIZY_ekspertyzy/LGD_raport_poprawiony_ost_bis_10_09_2012.pdf), p. 101–112.

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## Summary

Changes in the organization and operation of the administrative apparatus may be caused by various factors, law being the most important factor because administration is significantly determined by law. Furthermore, law reflects the legislator's axiological catalogue which may include values derived from current ideological systems. One example of this is the concept of partnership, seen as a value realizing the postulate of social inclusion, as well as the norm-defining principle of partnership which refers to the processes of programming and implementation of the EU cohesion policy. EU law affects the Polish legal system and determines its changes, as a consequence of which normative constructions, unknown earlier, are introduced. The principle of partnership, one of the guiding principles of cohesion policy, results in shaping the domestic legal order related to public policies in such a way that it contains standards requiring competent public administration authorities to depart from traditionally applied organizational solutions and imposing an obligation to use innovative methods of operation. This impact is particularly evident for instance in local development policy stipulating involvement of the local community, which is a responsibility of the bodies of territorial self-government.

*Keywords:* partner ship, partnership principle, development policy

## **WPLYW ZASADY PARTNERSTWA NA ZMIANY W DZIAŁANIACH ORGANÓW ADMINISTRACJI PUBLICZNEJ**

### Streszczenie

Zmiany w zakresie organizacji i działania aparatu administracyjnego spowodowane mogą być różnymi czynnikami, z których ze względu na silne zdeterminowanie administracji prawem najważniejszy jest właśnie czynnik prawa. Prawo z kolei stanowi odzwierciedlenie katalogu aksjologicznego prawodawcy, w którym znajdować się mogą wartości pochodzące z aktualnych systemów ideologicznych. Jednym z przykładów takiego odzwierciedlenia jest partnerstwo jako wartość urzeczywistniająca postulat włączenia społecznego i normatywizująca ją zasada partnerstwa, która odnosi się do procesów programowania i realizacji unijnej polityki spójności. Prawo unijne, oddziałując na polski system prawny, determinuje jego zmiany i w konsekwencji wprowadzenie nieznanych dotąd konstrukcji normatywnych. Zasada partnerstwa jako jedna z naczelných zasad polityki spójności skutkuje takim ukształtowaniem rodzimego porządku prawnego w przedmiocie polityk publicznych, że zawiera on normy nakazujące właściwym organom administracji publicznej odejście od tradycyjnie stosowanych rozwiązań organizacyjnych oraz nakazujące stosowanie innowacyjnych metod działania. Oddziaływanie to jest najbardziej widoczne na przykładzie polityki rozwoju lokalnego z udziałem lokalnej społeczności, za prowadzenie której odpowiedzialne są organy jednostek samorządu terytorialnego.

*Słowa kluczowe:* partnerstwo, zasada partnerstwa, polityki rozwoju