

TOWARDS MULTI-LEVEL GOVERNANCE UNDER EU COHESION POLICY IN POLAND?

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Gateway G: Multi-Level Governance

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I. Introduction

Multi-level governance has recently become a popular concept used particularly readily in the context of the EU cohesion policy where it was first conceived (Marks, 1992) and where it is most often put under research. It has been successfully “borrowed” from the scientific world by practitioners and is often applied to describe the developments in the European Union (Bache, 2008) as well as the EU impact on relations between different state and non-state actors on the national arena. It is interesting to observe that this notion has usually a positive tinge and brings good connotations as it is applied as a success story, future objective or a positive development brought onto the national ground by the European integration.

One example is the debate on the future of the cohesion policy post-2013 launched by the European Commission (EC) during Fourth Cohesion Forum in Brussels. During the debate this effect of the EU cohesion policy is often stressed and serves to prove the added – value of the cohesion policy:

“Everybody seems to agree on the fact that one of the great innovations of European cohesion policy is its multi-level governance system, which allows high-level priorities to be reconciled with local circumstances. I fully subscribe to this point of view.”(Hübner 2007).

and:

“We know, as has become clear in recent years, that regional development and convergence is best driven through multi-level governance, through the coordinated actions of the Union, the Member States and local and regional authorities. Member States themselves, have recognized this by devolving an increasing amount of responsibility for public investment to the regional and local level over the past decade.”(COM 2007)

Whereas the promotion of the concept by the European Commission is natural and understandable, the acknowledgment of its positive role and the support for its future development expressed by state authorities might be a confounding discovery, particularly taking into account the fact that the concept is associated with the partial loss of the state control and power in favour of other non-state and regional actors. And yet, the recent debates in Poland on the domestic effects of the EU cohesion policy and its future in a post-2013 period show that the central administration representatives stress the role of multi-level governance together with the principle of partnership in promotion of modern and efficient ways of policy making at the same time advocating its further strengthening (MRD 2007a, MRD 2008).

This upsurge of enthusiasm for the concept in Poland, at least in official documents and speeches, has been complemented by a major reform of the EU cohesion policy delivery system in Poland in the new programming period 2007-2013, as compared to the years 2004-2006. The reform brought with it major decentralisation of responsibilities in the process of structural funds’ implementation. The regions (regional self-government) were granted more competences as far as programming and management of the regional development under 2007-2013 cohesion policy is concerned.

This recent development and the above mentioned declarations expressed by Polish public officials raise several questions. What is the *rationale* behind a decision to grant regions with an increased competences in the process of the EU cohesion policy delivery? To what extent the new competences of regions result in an increased autonomy of regions vis-à-vis state authorities in this policy field? Has the state anticipated any measures, mechanisms and strategies to protect its position and authority in the process of EU cohesion policy delivery? What are the limitations to the multi-level governance development in Poland? And in the end: Is the recent development under the EU cohesion

policy in Poland a step towards multi-level governance in Poland? And if yes, then what type of multi-level governance?

This paper attempts to answer these questions on a basis of a study of the developments under the EU cohesion policy in Poland starting from the pre-accession period till the programming period 2007-2013.

II. Theoretical framework of the study

The purpose of this paper is to track traces of multi-level governance development in Poland. To answer the question set in the title a clear indication of what is being searched for is needed. Therefore, the definition and features of the concept must be first clarified and the conceptual benchmarks established against which the emergence of multi-level governance can be proved in empirical analysis.

The difficulty in application of the multi-level governance as a theoretical framework stems from its evolving content, characteristics and scope of application, which results in variety of definitions of the term and its various ability to capture changing reality. Even a superficial overview of the uses of the term in different contexts proves ambiguity of its meaning. In practical terms, it is understood as a principle underlying the EU cohesion policy delivery (MRD 2007a), the management system of the cohesion policy (COM 2007, MRD 2008) or in a broader sense as a system of policy making under the EU cohesion policy (COM 2007). In theoretical terms it is used as an analytical model or as a normative concept, namely "a normatively superior mode of allocating authority" (Bache and Flinders 2004:195). In the first case its usefulness as an analytical framework is variously assessed, e.g. as an approach at a pre-theoretical stage, a description of a policy making in the EU, an organising perspective or a contrastive concept (overview: Bache and Flinders 2004: 203).

The lowest common denominator of all approaches to multi-level governance seems to be a concern to explain emergence of new actors along central state in the decision-making processes. From this observation the concept was first conceived by Gary Marks who on the basis of a case of joint supra- and subnational action under EU structural policy, developed hypothesis of an emerging 'multilevel policy arena' (Marks 1993:403). Such a statement raised questions concerning the nature of relations between different actors and the way in which they are organised. The simplest way to describe the organisation of relations between state and other non-state actors (stemming from the very notion of multi-level governance) is to draw two lines along which different actors interact: the vertical one between supranational, national and sub-national levels and the horizontal one between state and non-state actors at different territorial levels. Thus, 'multi-level' refers to a vertical dimension of the concept whereas 'governance' relates to a horizontal one. Whereas literature on 'governance', 'new governance' and 'new modes of governance' stresses non-hierarchical, voluntary and mutually dependent relationship between state and non-state actors, the multi-level governance directs attention towards interrelations between actors at different territorial levels.

The character of the relations between actors at different territorial levels seems to become a central question in further studies on multi-level governance. Particularly two issues capture more attention: the changing position of state in the complex environment and demarcation line between the multi-level governance and other ways of non-state actors involvement in policy-making processes.

In the first case the discussions circulate around the question whether partial and gradual loss of state power is an inherent characteristic of multi-level governance. Some loss of state power is assumed if the term of multi-level governance is related to a "dispersion of authority away from central

government – upwards to the supranational level, downwards to sub-national jurisdictions, and sideways to public/private networks” (Hooghe and Marks, 2001:4). The dispersion of power does not necessarily imply that the state authority loses its central position in the decision-making, rather it assumes that the state monopoly is broken and its activity is complemented by other participants of policy-making processes. Therefore multi-level governance provides a different perspective on policy-making both in national and supranational context (Marks, Hooghe, Blank, 1996).

In the context of European integration, this development triggers a question whether this dispersion of power is state-steered or falls outside its control powers. Taking the view that some control “has slipped away from them to supranational institutions” (Marks, Hooghe, Blank, 1996:342) stipulates at least partially involuntary loss of state sovereignty (e.g. because of qualified majority voting in Council of Ministers). On the other hand, it is the state which decides on the transfer of competences to other levels of government, its scope, organization and conditions upon which this transfer proceeds. Thus, the state at least tries to retain control over the transfer process to such an extent to be able to revoke this process.

In this context, the voices appear that the empowerment of other government levels or non-state actors does not necessarily entail weakening of the state. It is argued that the state may consciously agree to dispersion of its power in order to build its capacity or to achieve more efficiently its policy goals. The state may also counteract the shift in power by its increased involvement in ‘metagovernance’, namely the creation of rules which underlie the governance processes (Jessops 2004). As interesting as it may be to contribute to a debate on the position of state and the re-definition of its role in multi-level governance, the discussion proves that the loss of state control or power is not a prerequisite for multi-level governance emergence. Thus, these features cannot be trusted as definite indicators to track traces of multi-level governance in this case study. Nevertheless, the debate shows that the intrinsic feature of multi-level governance, namely dispersion of power entails re-definition of the state’s role. In view of this process the state develops various strategies and mechanisms in order to secure its central role in decision-making process.

How can the relations between different territorial levels be described if altering state’s position under multi-level governance does not give clear indications as regards directions of these changes?. Policy-network approach seems to be a helpful tool to explain the relations between different participants of policy-making process in multi-level governance, particularly if one takes into consideration the fact that these two concepts are intertwined from the very first deliberations on multi-level governance. Already in 1993 Gary Marks referred to policy network to describe new developments in EU structural policy stating that “supranational, national, regional and local governments are enmeshed in territorially overarching policy networks” (Marks 1993:402-3). According to policy network approach different levels of government interact because they are dependent on each other for resources. In case of multi-level governance the interdependences between organisations participating in the policy-making process result from redistribution of domestic power resources (financial, informational, political, organizational and constitutional-legal) from national to supranational and sub-national actors. The dispersion of power, thus, leads to growing interdependence between actors of policy-making process.

The issue of demarcation line between governance and different forms of participation in policy making sheds more light on the nature of relations between state and other participants of policy-making processes. The line is drawn along capacity to influence outcomes of the policy making process: “(...) *participation* refers to engagement in the decision-making process, while *governance*

infers the engagement involves some influence over the outcomes of the process.” (Bache 2008:31). In order to measure empirically whether different actors influence the outcomes of the process two factors require close attention: firstly, the existence and practical application of standard procedures, which involve other than state actors in decision-making processes and the ability to influence outcomes of “crisis situations” where the sides of the conflict have a lot to lose and to gain. In addition policy-network approach helps to explain the ability of particular actors to have impact on the outcome of policy-making process.

Another question concerns the organisation of relations between different levels and different participants of decision-making processes. The typology developed by Marks and Hooghe (Marks and Hooghe 2004) allows to organize the organizational forms of multilevel governance found in empirical analysis according to two types of multi-level governance. The first type is characterized by a general-purpose jurisdictions at a limited number of levels – international, national, regional, meso and local. The membership in these jurisdictions is non-intersecting, e.g. “(...) every citizen is located in a Russian doll set of nested jurisdictions, where is only one relevant jurisdiction at any particular territorial scale.” (Marks and Hooghe 2004:16). And they constitute system-wide and durable architecture. The contrasting vision is a second type of governance, where jurisdictions are task-specific and tend to be flexible. The number of the jurisdictions is potentially unlimited and the memberships are intersecting. Table 1 presents the characteristics of these two ideal-types, which in reality co-exist in the European Union and on a national ground.

Table 1. Types of multi-level governance

Type I	Type II
General-purpose jurisdictions	Task-specific jurisdictions
Non-intersecting memberships	Intersecting memberships
Jurisdictions as a limited number of levels	No limit to the number of jurisdictional levels
System-wide architecture	Flexible design

Source: Marks and Hooghe 2004,17

The overview of main discussion points in multi-level governance literature provides information on common characteristics of multi-level governance, which allows to track traces of its emergence and development in Poland under EU cohesion policy. The emergence of the following requirements conditions the final answer of the question set in the title of this paper:

- dispersion of power from central level to sub-national (and supranational) one resulting in an increased involvement of non-state actors at different territorial levels in the policy-making processes,
- this increased involvement is linked with ability of non-state actors to influence outcomes of decision-making,
- state and non-state actors of policy-making process are interdependent in the process of policy-making,
- state’s role in policy-making undergoes transformation in such a way that it develops new strategies, mechanisms and rules in order to protect its position in policy-making processes.

The choice of this case to study multi-level governance finds many justifications. Firstly, the field of EU cohesion policy is a home-ground for this concept - that’s where it was first conceived and that’s where it is said to bring the most empirical evidence. Secondly, this study will concern the implementation stage of EU cohesion policy-making, where the presence of multi-level governance is said to be the most prominent (Marks et al. 1996:365). Thirdly, the empirical observations of recent

developments in EU cohesion policy delivery system in Poland and their importance for the issue of multi-level governance cannot be easily overlooked. To conclude, if there is to be found evidence of multi-level governance in Poland, it must be in this sector. Or in other words if no traces are tracked in this field of policy in Poland, it is difficult to imagine that it has developed anywhere else in Poland.

The study concerns only one stage of EU cohesion policy-making process – policy implementation. The implementation is referred here to a process of “translating policy into action” (Barret 2004:251). Despite the focus of researchers on the policy formulation stage, it is also argued that the failure or success of a given policy depends strongly on decisions taken at the implementation stage particularly in a highly decentralised EU implementation structure (Treib, 2006:5). Therefore, the analysis of this stage of policy-making should be most suited to study national-regional relations in multi-level governance context.

This case study takes a domestic view on multi-level governance development in Poland. Therefore, it concentrates on the changes in state-regional relations under EU cohesion policy implementation. This national perspective explains the omission in this study of the policy formulation stage where supranational and national players take central stage. The participation of third level – supranational in this ‘game’ will be limited to the cases where it may bring explanations to developments on the national ground. The state is understood here as government and central state administration, whereas regions are treated as regional self-government, their political representative bodies and regional self-governmental administration.

As the importance of pre-existing schema of state-regional relations for the future changes is often stressed, this article will provide the background of prior-accession regional policy institutional formula in Poland. It will be helpful to understand later developments under EU cohesion policy in Poland. In this part of the paper the description of implementation system development between 2004-2006 and 2007-2013 will take central place in order to set enough empirical context for the analysis of changing state-regional relations in the subsequent chapter. This analysis will provide input to discussions on the position of state and regions in multi-level governance and will lead us to the final question of multi-level governance development under EU cohesion policy in Poland.

III. Development of EU cohesion policy delivery system in Poland

3.1. Prior-accession framework for regional policy delivery in Poland

The prior-accession period saw important decentralisation processes, which were foremost an element of democratisation of the state in a post-communist era in Poland and resulted in the development of vertical levels of authority in Poland. The authors of administrative reforms which constituted an inherent element of decentralisation process stress that the need for decentralisation in Poland was strongly justified by a general dysfunctional character of Polish public administration in a post-communist era, which made it difficult to meet challenges of economic and social transformation but also of cooperation with European structures (Izdebski and Kulesza 2004: 338-341). Although it is underlined by some authors that the prospect of EU accession played a significant role in territorial reorganisation in Poland (Baun, 2002:275), it is more accurate to say that the European integration constituted an overall reference framework for the reforms, particularly in the case of reorganisation of regional level in Poland but at the same time it is worth stressing that the process was also strongly domestically-driven.

The first reform from 1990 concerned introduction of a self-government on a lowest territorial level – gmina and consequently created basis for strengthening local communities and for meeting local

needs by local administration responsible for provision of basic services. From the point of view of regional policy, the reform carried out in 1998 was of crucial importance. The 1998 reform created both 16 self-governmental regions at the sub-national level granted with the responsibility for the conduct of regional development policy and a second, after gminas, level of local self-government – powiat, which took over many governmental tasks carried out territorially. The previous territorial division of the country was based on artificially delimited 49 voivodeships, which were territorially too small to fulfil the tasks of regional development and were dependent on government's decisions (as they were governed by centrally appointed Voivodes). Therefore, the period before 1998 was characterised by a strong centralisation of regional tasks' management and by a sectoral approach to development carried out by in-line ministries. Actually, one can risk a statement that the regional policy hardly existed in Poland before 1998 and that it has been started to develop into a fully-fledged policy only after the EU cohesion policy was introduced in Poland.

The adoption of a new territorial division in Poland including delimitation of 16 large regions created an adequate territorial scope as well as institutional and legal conditions for the conduct of regional policy in Poland. Nevertheless, the newly created regions were confronted with two main problems in the field of regional development. Firstly, the lack of own adequate financial resources made it difficult for regional self-government to become financially independent from the central government in the field of regional policy. For example, region's revenues transferred from the state budget amounted to 84,3% of the whole regional revenue in 2002 (MRD 2007b:43). Secondly, the dual system of authority at the regional level (central government's authority represented by politically appointed Voivode and self-government's authority represented by regionally elected bodies) made it difficult for newly created self-governments to independently fulfil their role of representatives of regional interests. These weaknesses of the system influenced the creation of EU cohesion policy delivery system in Poland.

3.2. Delivery system for EU cohesion policy in Poland between 2004-2006

The accession of Poland to the European Union carried with it the launch of the cohesion policy in Poland. The EU cohesion policy, which supports regional development by the transfer of structural funds to least developed regions, opened an opportunity to strengthen the role of regions in Poland by giving them access to financial resources. Nevertheless, the delivery system for the EU cohesion policy implementation was designed by the central state as a centralised system with a limited role of regional authorities in structural funds' implementation. Short tradition of self-government particularly on a regional level, lack of experience and of financial independence from central sources of financing, all that boiled down to a limited capacity of regions to conduct the tasks of regional development (MRD, 2007b). These problems were complemented by an overall economic collapse in Poland, which gave priority to the most important nation-wide problems like growing unemployment. The short time for preparation of programming documents was another factor influencing final decision of the state to retain strict control over conduct of the cohesion policy in Poland. As a result of all above mentioned factors the decision to create a system with centrally allocated competences was made, in order to diminish the risk of losing structural funds in consequence of potential dysfunctions of the system on the regional level as well as in order to concentrate resources on the most urgent macro-problems. The decision found support of the European Commission, which gave priority to effective and lawful spending of EU budgetary resources.

The key decision concerned the overall allocation of structural funds' resources for the regional development programme and between the regions. The amount of resources initially proposed for the

regions in National Development Plan was ultimately decreased from 39% to 36% in result of negotiated Community Support Framework for 2004-2006 (MRD 2007b:67). The allocation of resources between the regions was based on a algorithm adopted by the government in the National Strategy of Regional Development, which favoured less developed regions in Poland.

As far as programming is concerned, one Integrated Programme for Regional Development (IROP) for all 16 regions was prepared at the central level. The regions participated in the process of preparation of the programme contributing to the regional components of the IROP and programme complements. Nevertheless, the scope of manoeuvre for regions was limited as priorities in IROP and allocation of resources among them were centrally defined, what made it difficult to adapt them to regional circumstances. The final word on the programme's content and structure belonged to the minister in charge of regional development who was granted a role of a managing authority for the IROP and carried responsibility for its preparation and implementation. Similar asymmetry of relations was to be found during the negotiations of the programme with the European Commission.

The regional programme – IROP has been managed on central level but implemented regionally. The managing authority was located in the Ministry for Regional Development (till 2005 Ministry for Economy and Labour), which delegated part of its managing functions to state's representatives in the region – Voivodes. At the same time Marshal Offices – regional self-governmental administration – were indicated as institutions participating in programme implementation. In consequence a dual structure of implementation was created on a regional level with regions responsible mainly for project selection and state's administration in the region for control and monitoring of implementation as well as for providing financing for selected projects. This situation gave raise to many tensions between the representatives of government and self-government in the regions because of doubling of functions between these authorities, which appeared in practice. This increased administrative costs of structural funds' implementation and decreased efficiency of the system. In addition, the system privileged state's administration which has often had a final word in inter-institutional relations at different stages of the implementation processes. In the end, this system tended to strengthen the position of state's structures in the region and could undermine the legally anchored role of regional self-government as responsible for regional development.

On the other hand, it must be kept in mind that in situation of a limited capacity and experience in the field of regional development, this period served as a training and test ground for future solutions. The system, in which regional self-government played a limited role was treated as an interim solution or a transition period before granting it with enhanced responsibility for preparation and implementation of regional development programmes under EU cohesion policy in a forthcoming period 2007-2013.

3.3. Change in a delivery system for EU cohesion policy 2007-2013

The next programming period 2007-2013 brought with it two divergent directions of changes, namely: centralization and decentralisation in the EU cohesion policy delivery system. Centralisation concerned creation in the Ministry for Regional Development the "headquarters" of the EU cohesion policy in Poland consisting of institutions responsible for management of all operational programmes from the period 2004-2006 and of national programmes in the period 2007-2013. The reason for that was necessity to strengthen coordination of cohesion policy implementation, facilitate coherent and complementary programming of EU financial resources and enable to counteract negative developments, which could threaten efficient implementation of EU structural funds.

Decentralisation meant granting regions with responsibility for programming and management of regionally allocated structural funds. The *rationale* behind the decision seems to be consequent fulfilment of the obligation, already inscribed in the IROP (MELSP 2004:4-5), to grant regions with an enhanced competences and increased autonomy as regards participation in EU cohesion policy in the programming period 2007-2013. The decision has been also justified in official documents by the enhanced administrative capacity of regional structures proved by effective implementation of structural funds under IROP in 2004-2006 (NSRF 2007:100). This decentralisation of EU cohesion delivery system was positively received by the European Commission (Beschel, 2007:24).

As result of this decision, each region exercise the function of managing authority responsible for setting development priorities, preparation of the programme of their delivery with support of SF resources, (called regional operational programme (ROP)) and for its implementation on ground. Thus, 16 ROPs were prepared by regions instead of one IROP in 2004-2006 period. However, the state prepared general guidelines on how the programmes should look like as well as provided for rules allowing it to check the quality of the programmes before they were accepted by the government and submitted for negotiations with the EC. The state tried also to use Voivodeship Offices to support it in evaluation of draft programmes. But in view of lack of preparation of the office staff to do so, this experiment brought poor results.

All the main stages of programme implementation, such as project selection, monitoring, control, evaluation are placed in regional self-governmental administration - Marshal Offices although the regions as managing authorities may delegate part of their tasks to other bodies. The role of Voivodeship Offices has been limited to certification of expenditure spent regionally, what should definitely ease the tensions between the regions' and state authorities in the voivodeships.

Taking into account an substantially increased allocation provided for Poland in 2007-2013 period, the amount of resources for regional development programmes increased in comparison to 2004-2006 period from almost 3 billion euro to almost 25 billion euro. Nevertheless, this amount represents a similar share in the whole structural funds allocation in Poland as in 2004-2006 period. It must be stressed that regions carry now a direct responsibility for efficient and effective delivery of development goals, successful implementation of development programmes and proper expenditure SF resources. However, the final responsibility for EU cohesion policy delivery in Poland is carried by state authorities. Thus, the success of the EU cohesion policy delivery in Poland in 2007-2013 depends, among others, on success of regional programmes realization.

IV. Towards multi-level governance under EU cohesion policy in Poland?

4.1. Role of regions- between participation and governance

The overview of developments in the field of regional policy before and after accession in Poland proves gradual increase of regions' role in regional policy delivery. Since the creation of regions as subjects of regional development in 1998, the regional administration has strived to build capacity to strategically plan regional development and to implement regional development goals. The EU cohesion policy created the opportunity to enhance the role of regions in this field both by opening them the way to participate in decision-making processes under EU cohesion policy and by providing them with an access to financial resources dedicated to regional development.

The development of the region's role presented in second chapter triggers a question if the involvement of regions in the EU cohesion policy delivery system boils down to sole participation or is a sign of the emergence of multi-level governance in Poland. What needs to be researched here is

the ability of the regions to influence the outcomes of decision – making processes under EU cohesion policy. The useful indicators for proving this ability are existence and practical application of standard procedures, which involve regional actors in decision-making processes and examples of regional impact on decisions in “crisis situations” where the sides of the conflict have a lot to lose and to gain.

Two “crisis situations” were chosen to present two different outcomes of state-regions conflicts in policy-making processes. The first case concerns the decision to allocate SF resources between the regions, the second the role of Voivode – government’s representative in the regions - in the process of ROP’s implementation.

In the first case, the bone of contention between state and some regions was the way to allocate resources between the regions under EU cohesion policy 2007-2013. The state prepared three versions of the algorithm serving the division of resources between the regions, which was widely discussed and consulted. Nevertheless, the common knowledge was that government supported the algorithm which favored least developed Eastern regions – being at the same time the cradle of the popular electorate of the governing party. The protests of the more developed regions, which stressed limited absorption capacity of Eastern regions, also in view of an additional allocation of resources under a special development programme for Eastern Poland, did not make the state to adopt a different way of structural funds allocation between the regions. It must be stressed here that the regions did not gain support of the EC in this conflict as well as the fact that the regions did not have one common position against the state. It has been used by the state, which claimed to support the position of poorer regions, not admitting that it pursues its own political interests.

In the second case, the state provided for a legal possibility for a Voivode to supervise and control the process of project selection, as well as granted it with the right to appoint a Monitoring Committee. As these provisions limited the autonomy of the regions to exercise their managing functions in line with the EU regulations, as well as it stood in contradiction with constitutionally limited possibility for the state to supervise regions activities, the regions found support of the European Commission, which intervened on regions’ behalf. As the provisions constituted a potential breach of EU regulations the European Commission strongly protested against introduction of such solutions. The meeting of the Commissioner for the Regional Policy and Minister for Regional Development was followed by the change in the law. In this case common EC-regions action against the state brought the change in the previous decisions taken by the state. The state tried to save face by issuing guidelines explaining in a lawful way the role of Voivode in the project selection process, but the victory of regions was in this case obvious.

The analysis of “crisis situations” clarifies the conditions which determine the ability of regions to influence the change of crucial decisions at central level. In the first case, the regions did not have common interests, which diminished their capacity to influence the state’s decisions and could not count on EC’s support, which favoured another algorithm, conceived by the Commission’s services. In the second case, the common outrage of regions and support of the EC made the state withdraw from its former proposals.

As far as inclusion of regional actors in decision-making processes is concerned, the partnership principle of the EU cohesion policy obliged Polish state to include partners, also regions, in the policy-making processes. In Poland the realization of this principle is almost always limited to mere consultation, which as a “soft” tool does not necessarily bring any visible results as regards impact of partners on state’s decisions. In case of Poland the consultations are still used foremost to meet obligations stemming from Community law and not as a tool to improve the quality of policy-making processes.

On the other hand, the decision of the state to grant regions with the role of managing authorities in the EU cohesion policy has brought many important consequences for their inclusion in policy-making processes. As managing authorities regions have received competences stemming from EU regulations concerning all phases of policy implementation, which enable them to program, manage, monitor, and control the process of regional programmes' delivery and evaluate its outcomes. In this way, regions has become included in all standard procedures, which regulate in a detailed way delivery processes under the EU cohesion policy. Thus, the day-to-day management and decisions made by regions at each stage of policy implementation will condition the final outcome of the cohesion policy delivery in Poland. Or in other words, the success of the EU cohesion policy in Poland will be dependent on the success of regional development programmes' delivery. From the perspective of policy network approach, this situation of interdependence between state and regions under EU cohesion policy 2007-2013 can be explained by the dependence on resources available to different organizations in the network. In this case regions have received financial resources (access to SF), legal (as managing authorities) and informational (as increased access to information is a necessary condition for better delivery of common goals under EU cohesion policy). As a result of redistribution of resources the state becomes increasingly dependent on the regional actions, because it can achieve its goals (successful cohesion policy delivery) only if regions perform well and meet their commitments under EU cohesion policy in Poland.

4.2. Role of state – rule-setter, manager and coordinator

The analysis of changes in regional policy system in Poland in the proceeding chapter proves that the role of state in the field of regional policy in Poland undergoes transformation in result of both democratisation processes as well as participation in the processes of European integration. Both pre-accession and post-accession period were characterised by a dispersion of power from the national level to a sub-national one. It must be stressed that both in case of decentralisation and creation conditions for EU cohesion policy delivery in Poland, the state was in power to initiate and implement reforms as well as to create legal and institutional conditions for changes. In case of Poland, it is so far unjustified to say that the dispersion of authority resulted in an uncontrolled loss of state power. The power has not slipped out from state's hands - it has been deliberately transferred to lower levels of authority. The evidence that state effectively tries to control the developments at regional level is the fact that even in situation of formal, constitutionally anchored, establishment of regional self-government responsible among others for regional development, the state influenced in practice their capacity to fulfil this task by controlling their financial dependence on state budgetary resources in this field.

The introduction of EU cohesion policy in Poland aiming at a decrease in regional disparities created opportunity to empower Polish regions by granting them with responsibility for the implementation of the policy and providing them with access to the increased financial resources for regional development. Nevertheless, the analysis of EU cohesion policy delivery system in Poland presented in chapter two proves that the state took crucial decisions concerning the design of the implementation system, the place of regions in the system, their functions and tasks as well as allocation of financial resources to regional development programmes and between the regions. It all proves that state remained a central player in a EU cohesion policy implementation process.

In addition, the gradual empowerment of regions under EU cohesion policy was accompanied by a gradual development of mechanisms and strategies, which has allowed the state to remain in control over EU cohesion policy conduct in Poland. The observation of the state's behaviour allows to distinguish three strategies: state as a rule-setter, as a manager and as a coordinator.

In both programming periods the state set rules underlying the operation of EU cohesion policy delivery system in Poland. The rules concerned the overall design of the delivery system, roles of particular institutions located at different levels of authority, relations between them, procedures regulating these relations, mechanisms ensuring coherent implementation of development programmes and proper expenditure of the EU resources etc. These rules are anchored in legal acts and programming documents prepared by the government and accepted by the European Commission during negotiations. The EU regulations confirm this role of the state in the provisions, which indicate the state as the rule-setter, authority carrying final responsibility for proper EU budgetary resources expenditure and the only national “contact point” for the European Commission in many situations. For example:

- the Member State is obliged to submit a proposal for operational programme to the European Commission (art. 32, par. 3 of the Council Regulation No 1083/2006)
- the Member States set up the management and control systems of operational programmes (art. 58 of the Council Regulation No 1083/2006)
- for each operational programme the Member State designates the managing, certifying and audit authorities, lays down rules governing its relations with the authorities and mutual relations between these authorities (art. 59 of the Council Regulation No 1083/2006)
- the Member States are responsible for the management and control of operational programmes (art. 70 of the Council Regulation No 1083/2006)

The Polish state effectively uses the provisions of the EU regulations to retain control for all stages of cohesion policy implementation. One example is the role of state in preparation and negotiations of operational programmes in 2007-2013 programming period. The state ensured itself the competences to adopt guidelines on operational programmes preparation, to verify the regional operational programmes prepared by regions, to decide on their readiness to be a subject of negotiations with the EC by their adoption by the government, to negotiate the programmes with the EC with participation of the regions. The regions protested against such a strong state’s control over programming stage of EU cohesion policy implementation. They particularly wanted to be independent players during negotiations with the European Commission. The arguments on the state’s side concerned not only the role of state as a partner and contact point for the European Commission in the process of programme’s appraisal but foremost its ultimate responsibility for success or failure of cohesion policy in Poland, which oblige it to make final decisions on programme’s content during negotiations.

While carrying out this role of rule-setter the state could decide on its own role in the system of EU cohesion policy implementation as a manager of structural funds and coordinator of EU cohesion policy in Poland. The role of state as a manager stems from the allocation the function of managing authorities in the government’s administration. According the regulations the managing authorities are granted competences, which allow them to carry out direct responsibility for preparation and realization of development programmes co-financed from structural funds. They maintain functional superiority over other institutions, to which management tasks are delegated from the managing authority. In other words in the management system of structural funds managing authorities are to be found on the top of a pyramid of power and have a final word on day-to-day management of structural funds. In the period 2004-2006 the functions of all managing authorities were gathered in central ministries. In the present 2007-2013 period the minister for regional development is granted the role of managing authority for all nation-wide programmes whereas the function of managing authorities for regional operational programmes was transferred to regions.

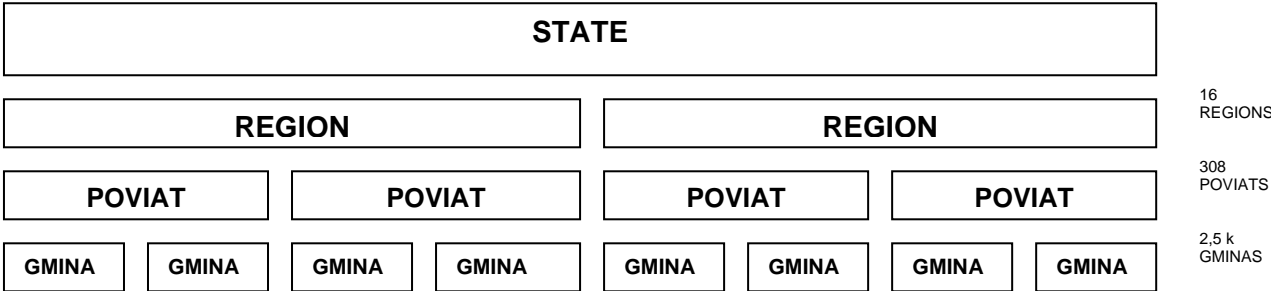
This recent development triggered the third strategy, namely strengthening of coordination mechanisms by the state. The state created special mechanisms not only for the coordination of the whole cohesion policy delivery but also specially for the regional interventions within this policy. In addition to that, in order to ensure a coherent implementation of the policy, the state introduced the system of guidelines, which were to regulate the operation of the system at different stages of the policy implementation. In spite of protests of the regions that the guidelines regulate their sphere of competence in a too detailed way, which makes it impossible for them to apply them to specific regional conditions, the regions were obliged to use the guidelines in the contracts signed between the state and the regions. As the contracts concerned the obligation of the state to provide SF and national co-financing to regional development programme, the refusal to sign the contract would deprive the regions of the actual tools to achieve goals of regional development under EU cohesion policy.

It can be concluded that the state decides about the power dispersion from central to sub-national level, when it is favourable for it. The decision to grant regions with an enhanced competences under 2007-2013 cohesion policy can be explained also by the fact that the state's capacity to implement such a great amount of funds allocated to Poland in this period has been limited. It was a rational choice to burden the regions with the responsibility to implement part of the SF at the same time aiming at the increased efficiency of cohesion policy delivery in Poland. In case the system does not work out and regions fail to fulfil their obligation, the state has always a possibility (at least theoretically) to reverse the process and centralise delivery system of the cohesion policy on the pattern of 2004-2006 solutions. On the other hand, the state tries to protect itself from the loss of power in effect of decentralisation processes by creation of special mechanisms and pursuing strategies, which allow it to retain control over policy-making processes. It sets the rules of the game, exercises functional superiority in the delivery system and coordinates all actors behaviours and actions in the implementation processes.

4.3. *Types of multi-level governance in Poland in the field of regional policy*

The territorial reforms from 1990 and 1998 led to creation of self-government in Poland placed on three territorial levels: regional, meso and local. The characteristics of the new system of jurisdictions in Poland correspond to type I of multi-level governance developed by Hooghe and Marks. Undoubtedly, they are non-intersecting, limited in number and system-wide as well as general-purpose. The system of vertical levels of authority developed in result of decentralisation processes in Poland is presented in chart 1.

Chart 1. Territorial division of Poland



Source: own

The implementation system of the EU cohesion policy developed in Poland constitutes a hierarchical system of interdependences between different institutions carrying out different functions in the system. These institutions are empowered to fulfil concrete tasks, delegated to them in the agreements signed between higher level of management authority and the lower one. Therefore, the beneficiaries of the EU resources make use of the services of these institutions dependent on their scope of

competence, and basically not on their territorial jurisdiction (with exception of ROPs). These institutions might be set at different territorial levels, but are usually placed at central and regional level. The interesting fact is that the choice of institutions is basically limited to public sector as the selection of non-state institutions to participate in the system would require the use of complex law on public tendering, which makes such a choice a very difficult or at least as an extremely time-consuming process.

Thus, the implementation system of the EU cohesion policy in Poland resembles II type of multi-level governance: the jurisdictions are task-specific, “memberships” in these jurisdictions are intersecting, number of jurisdictional levels is potentially unlimited but the design is semi-flexible as it is contractually stiffened and limited basically to public sector institutions.

4.4. Limitations to multi-level governance development in Poland

The overview of the development of regional level of authority in Poland before the accession and under the impact of the EU cohesion policy presented in chapter two proves that there are many limitations to multi-level governance development in Poland. Two mutually reinforcing sources of limitations seem to be of utmost importance: the post-communist political and administrative tradition and limited capacity of both state and regional authorities to deliver pro-development policies. Poland has inherited from previous system a dysfunctional state apparatus and a tradition of sectorally-organised, state-centralised and highly politicised operation of public administration. These characteristic of administrative system in Poland results in such problems as lack of strategic approach to development, sectoral policy-making and weak coordination mechanisms, corruption, lack of transparency and accountability and politicisation of administration. In view of lack of adequate capacity to fulfil new tasks of development management, the state administration tries to move on known tracks and operates according to proven methods in order not to risk complete failure in case of new methods’ introduction (see: Grosse, 2007, the case of agencies).

Consequently, it is often stressed, that the administrative capacity in new member states is weak: “It is evident from the results of the study that renewed impetus for public sector reform is needed in the EU8 with the aim of introducing soundly performing systems of day to day policy making, HR management and service delivery across the whole of government. This is especially important in Poland which—although it is the largest of the EU8 and will benefit most from the structural funds—is sadly lagging behind instead of acting as a role model for the rest of the region”(World Bank 2006:xiv). In such a situation a paradox of double weakness (Börzel 2007) refers equally well to state-regions relations. The low administrative capacity on both sides limits the development of multi-level governance in Poland.

On the one hand, the state is unwilling to disperse its power, even if it could potentially enhance the efficiency and effectiveness of policy delivery (by disburdening central administration, shifting implementation closer to regional problems and to beneficiaries, adapting the policy to regional needs, etc.). The weak administrative capacity makes state try to enhance its control over decision-making processes, particularly in case of politically sensitive issues, to which belongs spending of structural funds in Poland. The state behaves like a gate-keeper, which does not want to let other participants influence its decisions in fear of state capture.

On the other hand, even if the opportunities open before regions to influence the outcomes of policy-making processes, as it is in case of 2007-2013 period, the regions themselves are not always able to use these opportunities because of lack of resources, knowledge and experience as well as long tradition of subordination. In this context, it is interesting to observe that the greatest supporters and

promoters of regional involvement in policy-making are usually strong regions with strong regional identification.

V. Conclusion

In this case study the traces of multi-level governance emergence were looked for under EU cohesion policy in Poland. Four features of the multi-level governance were defined in the theoretical chapter in order to allow for empirical analysis: 1) dispersion of power and involvement of regional actors in policy making processes, 2) involvement of regions characterized by ability to influence the outcome of decision-making processes, 3) mutual interdependence between state and non-state actors, 4) transformation of state's role in policy-making system. These benchmarks were used in a case study to assess the changes in the EU cohesion policy delivery system in Poland in respect of multi-level development in Poland.

The empirical analysis proves that the developments of the delivery system for the cohesion policy in Poland has led to dispersion of power and gradual involvement of regions in policy making process from participation in some elements of the process in 2004-2006 to full involvement in implementation processes as managing authorities responsible for programming and management of structural funds support in 2007-2013. This involvement of regions has been so far characterised by a limited ability of regions to influence the outcomes of decision-making processes. The analysis of the involvement of regions in standard decision-making procedures as well as of "conflict situations" prove that the role of regions has been so far mostly restricted to participation in decision-making processes. Nevertheless, the outcome of the conflict concerning the role of the Voivode in the ROP's implementation is a first sign of common supra- and subnational action against the state resulting in changing the previous state's decisions. The state experienced the consequences of its own decision to grant regions with managing competences in 2007-2013 period, where empowerment of regions entailed the actual use of power by the regions. This decision has a second important consequence, namely the limitation of state's discretion of action and its independence in the pursuit and delivery of the cohesion policy on home ground. The redistribution of resources has led to growing interdependence between state and the regions. The outcome of the cohesion policy delivery in Poland depends both on central and regional decisions concerning day-to day management of structural funds. In answer to these developments state seeks to secure its central role in decision making processes by adopting special strategies and mechanisms and behaving as a rule-setter, manager and coordinator. As a result of this counteractions of the state it must be stressed that it continues to act a central and hierarchically dominant position in cohesion policy delivery in Poland although it has lost its monopoly in the policy-making processes and is dependent on other players of the game.

Concluding, the EU cohesion policy delivery system for 2007-2013 opened the window for the development of multi-level governance in Poland. It is too early to state that this system is existent but if one agrees to Ian Bache's scale of governance in which participation in policy making is treated as a weak governance (Bache, 2008), then the emergence of weak multi-level governance is visible in Poland. In addition, the EU cohesion delivery system in Poland in its present shapes allows for, enables and facilitates a further development of multi-level governance. Whether it happens will depend on two opposing factors: on the regions' capacity to use their new position in EU cohesion policy delivery in such a way to have an impact on outcomes of the policy making and on the state's capacity to develop such strategies, which will allow it to remain in control of policy-making processes.

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