



Review of policies and current situation in Poland

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Polish Tourism Development Agency, Poland (LP)

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*Review of policies and current situation in Poland
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TABLE OF CONTENTS

1.	Policy on natural areas in Poland.....	3
1.1	The national legislation of Poland governing the functioning of natural areas.....	3
1.2	The existing management structures of natural areas	5
2.	Policy on entrepreneurship and SMEs development in Poland and Polish regions.....	8
2.1	Judicial forms of business conduct in Poland.....	8
2.2	Entrepreneurship in Poland	9
2.3	Entrepreneurship in Polish regions.....	13

*Review of policies and current situation in Poland
Polish Tourism Development Agency, POLAND*

1. POLICY ON NATURAL AREAS IN POLAND

Map of Poland



Source: European Commission <http://europa.eu/abc/maps/>

1.1 THE NATIONAL LEGISLATION OF POLAND GOVERNING THE FUNCTIONING OF NATURAL AREAS

List of policies (e.g. for UK the Environmental Protection Act 1990)

The National Environmental Policy for 2009-2012 and its 2016 Outlook (2008)

Nature Protection Act (16/04/2004)

Environmental Protection Law (27/04/2001)

Water Law (18/07/2001)

Geological and Mining Law (04/02/1994)

Forest Act (29/09/1991)

Inland Fishing Act (18/04/1985)

*Review of policies and current situation in Poland
Polish Tourism Development Agency, POLAND*

Hunting Law (13/10/1995)

Sea Fishing Act (06/09/2001)

Animals' Protection Act (21/08/1997)

Agriculture and Forest Areas' Protection Act (03/02/1995)

National Eco management and EMAS system Act (12/03/2004)

Ecological Agriculture Act (25/06/2009)

Other acts concerning environment protection are devoted to problems of: waste management, environment protection institutions, pollution, entrepreneurs' responsibilities in the field of waste management and product and deposit fees, road transport of dangerous products, ozone layer, gas emissions, recycling, bio components and bio fuels, access to information and influence evaluation.

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Brief description

The process of protecting the environment in Poland has started in 1989 after the collapse of the communist system in Poland that's why there is still a lot to do in that matter and Poland is environmentally backward. Still it should be noted that much has been done since then not only due to international and European regulations but also thanks to Poland's opening to the free market and international competitiveness (which resulted in bankruptcy of obsolete enterprises).

The policy on the environment and nature in Poland is implemented on the basis of a strategic document "The National Environmental Policy for 2009-2012 and its 2016 Outlook" and existing acts. As seen above, some of them are even more than 20-years old but of course they have been (and still are being) adjusted to the EU requirements.

Matters concerning functioning of the natural areas are regulated mainly by two acts: Environmental Protection Law and Nature Protection Act. The first one describes the system of environment protection in Poland and its main principles (core matters here – natural resources protection, pollution prevention, finances, responsibility for the protection, legal bodies and institutions). The second one is devoted to: forms of nature protection in Poland, botanic gardens, zoos and animals' rehabilitation centers, green areas and forest trees, nature protection bodies and institutions, dealing with offences against the environment, management of resources and nature elements, law results of being protected.

Other acts:

Water Law – defines the principles of water protection

Geological and Mining Law – defines the principles of exploitation of natural resources

*Review of policies and current situation in Poland
Polish Tourism Development Agency, POLAND*

Forest Act – defines the principles of forest areas protection

Inland Fishing Act, Hunting Law, Sea Fishing Act – define the principles of wild animals' protection

Animals' Protection Act – defines the principles of pets' and farm animals' protection

Agriculture and Forest Areas' Protection Act – defines the principles of forests and agriculture land protection

National Eco management and EMAS system Act (12/03/2004) – defines the way eco management and EMAS are implemented in Poland

Ecological Agriculture Act (25/06/2009) – defines the principles of eco agriculture.

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1.2 THE EXISTING MANAGEMENT STRUCTURES OF NATURAL AREAS

Brief description of the designation (e.g. for UK National Parks, in France – Grand Sites)

There are 10 designations of protected natural areas in Poland that are mentioned in Polish law:

National Parks – territories with high biological, scientific, cultural and educational values. Their areas have to exceed 1 000 ha. Nature environment and landscape are strictly protected.

Nature Reserves – enclosed lands that are kept in raw or little modified , ecosystems, props and habitats of species and abiotic sites with special natural, educational, cultural, and landscape values.

Landscape Parks - territories with high biological, historical cultural and landscape values. They are protected in order to keep and popularise these values in accordance with sustainable development.

Areas of Protected Landscapes - territories that are protected because outstanding landscapes and differentiated ecosystems. Valuable on the ground of tourism and leisure needs. They also act as wildlife corridors.

NATURA 2000 - ecological network of protected areas in the territory of the European Union. Divided in Special Protection Areas (SPAs) for birds and Special Areas of Conservation (SACs) designed for other species, and for habitats.

Natural Features of Historic Importance – single or grouped biotic and abiotic features with high biological, scientific, historic, cultural and landscape values. For example trees, rocks, springs, waterfalls, exurgents, ravines, caves etc. Their individual unique attitudes distinguish them from others.

Documentary Sites – spaces of occurrence of geological formations, fossils, mineral forms, alluviums, caves, excavations etc. They are important for scientific and didactic reason.

*Review of policies and current situation in Poland
Polish Tourism Development Agency, POLAND*

Ecological Lands – remains of ecosystems that are important for saving biodiversity, such as natural water reservoirs, ponds, tree and bush clumps, swamps, peat lands, old river beds, nature habitats of rare and protected species, refuges etc.

Nature-Landscape Networks – parts of natural and cultural landscapes that are protected because of their aesthetic and view values.

Species Protection of Plants, Animals and Mushrooms – its aim is to protect wild life, habitats, rare, endemic species etc.

(text limit: 2000 characters by designation)

How it relates to other administrative structures (hierarchy of responsibility)?

National Parks – Creation of a National Park and changing its borders or disposal, is in hands of Ministry of Environment. Ministry also specifies the name of the Park, area and immovables of the State Treasury.

Nature Reserves – Voivode by his regulations and by courtesy of Minister of Environment names reserves, specifies its location, borders and purposes of protection. He also defines the main aims of protection, type of the reserve, subtype, etc. Voivode also assigns a supervisor.

Landscape Parks – Voivode defines organizational structure of landscape parks .He also names it, defines the area, borders, aims of protection, prohibitions etc. He has to agree upon disposal and changing of the park borders with the Community Council.

Areas of Protected Landscapes – Voivode defines organisational structure of landscape parks .He also names it, defines the area, borders, aims of protection, prohibitions etc. He has to agree upon disposal and changing of the borders with the community and regional council of nature protection.

NATURA 2000 – The Minister of Environment defines the types of protection, specifies protected animals and plants, criteria of selection of areas, changes the borders of NATURA 2000 or disposals are in hands of Ministry of Environment.

Natural Features of Historic Importance – Ministry of Environment defines criteria of selection of biotic and abiotic creatures.

Documentary Sites, Ecological Lands, Nature-Landscape Networks – are created by regulations designed by Voivode or Community Council.

The Minister of Environment specifies the species Protection of Plants, Animals and Mushrooms.

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How is it governed?

*Review of policies and current situation in Poland
Polish Tourism Development Agency, POLAND*

National Parks are financed from the central budget. They are governed by directors chosen by Minister. Director implements protection plan and issues rules and regulations which say how one can use the National Park for science, education, tourism, recreation and sport. Aims related to nature protection, research, education and protection of the possessions etc. are in hands of the National Parks' Service. There is also an advisory board named Council of the Park. There are 1600 people employed in all 23 National Parks in Poland (approximately 600 work in so called supporting plant - institution setting apart from budgetary unit which hold supporting activities).

There are approximately 120 landscape parks in Poland. They are being governed by directors chosen by Voivode. Aims related to nature protection, landscape values, historical, cultural values and education are in hands of the National Parks' Service. Landscape Parks can also be governed by Landscape Park Complexes and their directors.

NATURA 2000 is governed by General Directorate for Environmental Protection (includes 16 regional directorates for environmental protection). GDEP manages NATURA 2000 web by prioritizing zones, protection planning and participation in evaluation of environmental impact. NATURA 2000 is also governed by National Parks, but only those areas which are within the Park. In relation to sea waters, executive duties are exercised by the Marine Board.

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Is there a link to the legislation in 2.2 above?

All the given information is based on The National Environmental Policy, Nature Protection Act and Environmental Protection Law. Those documents are described in 2.2 chapter.

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Highlight activity that is good and why (e.g. partnerships working, management plans, autonomy of activity)

There are examples of both good and bad practices in National Parks. The good one is for example developing conscious eco- and agro- tourism in Biebrzański National Park – the biggest park in Poland. Despite the problems that came with the nature protection, legislation and communities which would like to benefit from the nature, park authorities are in good relations with them and let them to branch out their tourism businesses. This is happening in tune with the sustainable development and Polish law. People use the nature to earn money, but they still remember about the protection of their heritage.

As for Poland we are proud of our ecological and regional education especially in National and Landscape Parks. There are not many of them but they are well organised and prepared for educational centres. That kind of activity is especially dedicated to the youngest. They can learn, and use from the nature. This kind of education sensitises them and gives a chance to discover our natural heritage. Education Centres create work places and invite to develop local activity. They are often governed by non governmental organizations. There

*Review of policies and current situation in Poland
Polish Tourism Development Agency, POLAND*

are a lot of them. They control the Ministry and all nature management structures not only by criticising them, but also by giving them many useful advices. NGOs have many ideas for development of local communities and they apply for European (and not only) grants.

The way of active protection in Poland is also an example of good activity. The aim of this form of protection is to preserve the environment in ancient form. This kind of protection requires seasonal or constant conservatory actions, but they are always adapted to the situation.

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2. POLICY ON ENTREPRENEURSHIP AND SMES DEVELOPMENT IN POLAND AND POLISH REGIONS




2.1 JUDICIAL FORMS OF BUSINESS CONDUCT IN POLAND

Polish law offers a broad catalogue of available legal forms. The factors which affect the final decision on the legal form of business include the requirements concerning the initial capital, partner's liability or the formalities involved in setting up a business.

Polish regulations allow the following legal forms of businesses in Poland:

- 1) Enterprise run by a natural person (Self-Employment)
- 2) Civil partnerships established under the regulations of the Polish Civil Code
- 3) Commercial companies established by natural or legal persons under the Polish Commercial Company's Code

PRIVATELY-HELD PARTNERSHIPS

-  registered partnership (jawna) - basic form of a privately-held partnership. Its characteristic feature is the scope of partners' liability. Their liability for partnership's obligations is subsidiary and unlimited forma. Each partner is entitled to represent the partnership
-  private partnership (partnerska) - is intended solely for the pursuit of so-called free professions which are enumerated in the Commercial Companies Code. Partners of a private partnership may be individuals entitled to perform the following professions: e.g. attorney, pharmacist, architect, construction engineer, chartered accountant, insurance broker, tax advisor, securities broker, investment advisor, accountant, physician, dentist, veterinary, notary public, nurse, midwife, legal advisor, patent office spokesman, property appraiser and sworn translator.
-  limited partnership (komandytowa) - is intended both for natural and legal persons, and allows for a

*Review of policies and current situation in Poland
Polish Tourism Development Agency, POLAND*

significant limitation of liability. At least one of the partners - the unlimited partner, is liable for partnership's obligations without limitation, while the liability of other partners - limited partners, is limited to a specific amount, i.e. the limited partner contribution,

- ✚ partnership limited by shares (komandytowo-akcyjna) - is intended for the pursuit of business activities on a large scale. Regulations require a minimum contribution of PLN 50 000 (approx. EUR 12 000). The scope of liability in a partnership limited by shares is regulated in the same way as in the case of a limited partnership.

CAPITAL COMPANIES

- ✚ limited liability company (sp. z o.o.) - is a legal person; its founders may be both natural persons and legal persons. The company is liable for its liabilities with its whole property without limitation. The necessary requirement is contribution of the share capital of at least PLN 5 000 (approx. EUR 1 200). As a rule, shareholders are liable up to the amount of capital.
- ✚ **joint stock company (S.A.)** - is a legal person; its founders may be both natural persons and legal persons. The necessary requirement is contribution of the share capital of at least PLN 100 000 (approx. EUR 24 000). Liable for the entity's obligations is the company, as a rule, up to the amount of capital stock.

4) Co-operatives established by natural or legal persons

5) State-owned enterprises

6) Societies and foundations.

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2.2 ENTREPRENEURSHIP IN POLAND

Structure and survival rate

Among the nearly 3.8 million registered businesses in 2008 - 3.6 million are micro-enterprises (employing up to 9 employees). The remaining 200,000 companies consist of: 150 000 small, 30,000 medium and slightly more than 5,000 large enterprises.

The percentage of **active firms** is about 47% of all registered companies. The most active companies are in a group of large and medium-sized businesses (respectively 60% and over 50%).

*Review of policies and current situation in Poland
Polish Tourism Development Agency, POLAND*

Survival rate of businesses registered in 2008, which remained on the market by the end of 2009 was 76% . The rate was dependent on the area of economy in which operates the new company:

- ✚ above average -health (86%), real estate, renting (82%), industry (81%), construction and education.
- ✚ the lowest survival rate – financial services (63%).

The survival rate of businesses after 5 years is 31,4%. The legal persons definitely proved to be more stable (58,6% remained active) while the survival rate of self-employment ventures accounted for only 29,7%. This was also proved by a strong correlation with the size of the company. The bigger company the better chances for remaining active

The most common difficulties encountered by the companies are: insufficient financial resources (71,7% of businesses having any kind of problems), difficulties in collecting receivables (36,7%), problems with obtaining the credit, inadequate technology and lack of raw materials.

The research made by Polish Agency for Enterprise Development (PARP) in 2008 showed that **small and medium enterprises financed their investments mainly from their own resources (94%)**. The credits and loans were used by 29% of businesses while public funds only by 3%. The European Union funds have a high impact on the enterprise’s competitiveness. It is already visible in the financial perspective 2007-2013 – high level of EU funds is directed to finance research and development as well as innovative activities undertaken by SMEs.

Methods for measuring business registrations and closures in Poland is based on statistical number (REGON) conducted by Central Statistical Office. This is a government’s register. PKD is the classification which hierarchically systematized division of the kinds of social-economic activities that are carried out by units (economic subjects). It is coherent and comparable with the classification NACE Revision 2.

Table 1. The enterprises registered in REGON divided according to PKD classification in 2007

PKD	Total
Total	3 794 422
Industry	397 812
Construction	401 143
Trade	1 230 807
Hotels & restaurants	123 658
Transport	271 124
Financial intermediation	142 943
Real estate activities, rental & services related to conducting business activity	627 263
Public administration	28 771
Education	108 918
Health care	181 378
Other service activities	280 596

Source: “Report on SMEs in Poland in 2007-2008”, Polish Agency for Enterprise Development, 2009

*Review of policies and current situation in Poland
Polish Tourism Development Agency, POLAND*

There are no continuously conducted surveys by **trade organizations**. In the field of tourism there are few associations: Polish Hotel Association, Polish Federation of Camping and Caravanning, Polish Chamber of Hotel Management, Polish Chamber of Tourism.

Current economic operating environment for SMEs - loans

The size of the loan is individually determined depending on the type of project and the company's financial situation as well as value and type of collateral. Investment loan repayment period is usually from 1 to 10 years (PKO BP also offers loans for 25lat). Interest rate in a foreign currency loan is usually lower than in Polish zloty but it may cause the monthly fluctuations in the amount of debt. The company, which applies for the investment credit, should exist at least one year, must have at least 20% of its own funds for the investment. This represents a significant barrier to companies, especially in the initial period of operation. Credit is usually granted only for a specific purpose that can not be changed. Banks generally require the feasibility study. A detailed analysis of creditworthiness of the borrower is carried by each bank according to its own method and requirements.

There are three main currencies in which the loans in Poland may be borrowed: PLN, EUR, USD. The average loan rates for entrepreneurs in the years 2005-2010 are presented in the table below:

Table 2 . The average loan rates for entrepreneurs in the period 2005-2010 in Poland

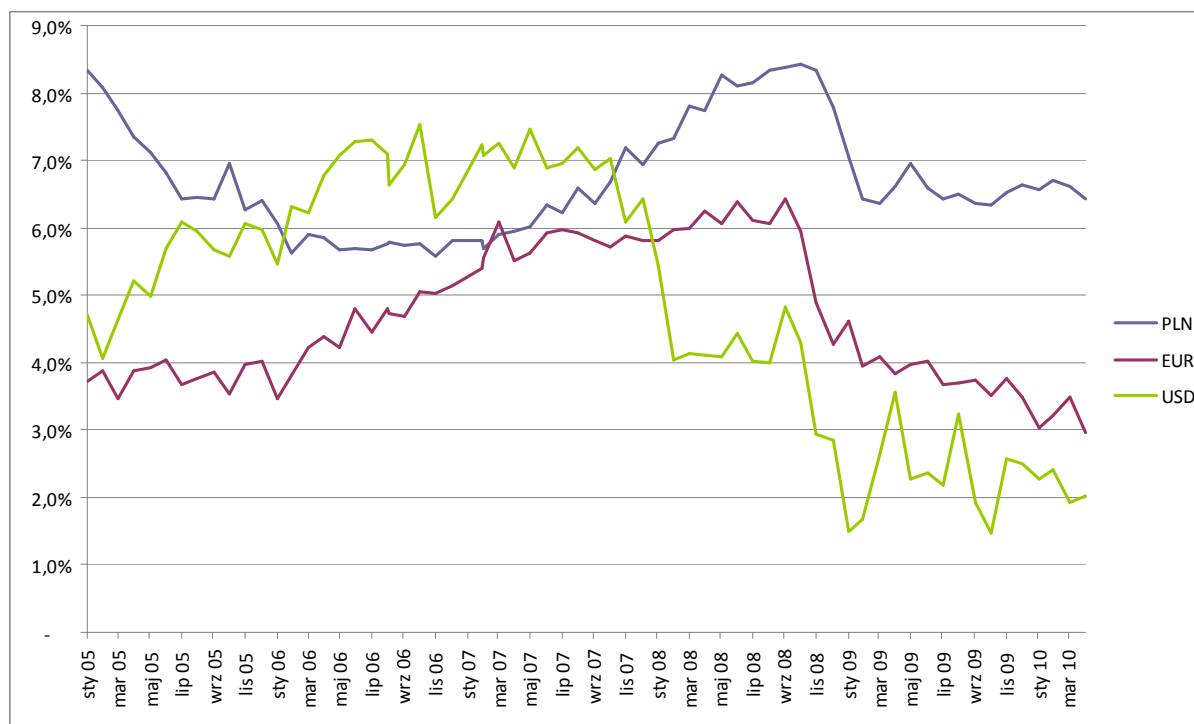
	2005	2006	2007	2008	2009	I-V.2010
PLN	7,03%	5,76%	5,73%	7,92%	6,66%	6,59%
EUR	3,81%	4,47%	5,28%	5,97%	3,93%	3,24%
USD	5,39%	6,73%	6,41%	4,39%	2,36%	2,23%

Source: National Bank of Poland

*Review of policies and current situation in Poland
Polish Tourism Development Agency, POLAND*

The detailed fluctuation of the rates are presented on the chart.

Chart 1. The loan rated fluctuation in PLN, EUR, USD in the period January 2005 – March 2010.



Source: National Bank of Poland

The above information was prepared on the basis of reports published by Central Statistical Office in Poland and Polish Agency for Enterprise Development.

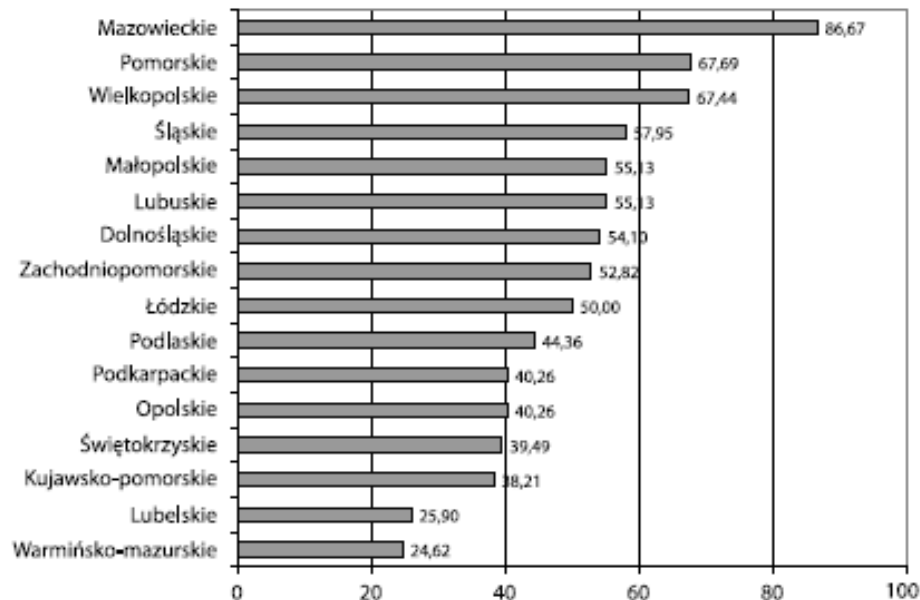
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*Review of policies and current situation in Poland
Polish Tourism Development Agency, POLAND*

2.3 ENTREPRENEURSHIP IN POLISH REGIONS

There's a three tier division in public administration in Poland: voivodships – regions (16), powiats – districts (379) and gminas – local authorities (2,478).

Chart 2. The level of the entrepreneurship in Polish regions, synthetic index.



Source: "Report on SMEs in 2007-2008", Polish Agency for Enterprise Development

Mazowieckie region has a leading position in the ranking of entrepreneurship in Poland. This region has also the highest number of active SMEs for 1000 citizens and of employees in active SMEs as well as the highest investment rate in Poland.

The other regions in Poland might be divided into four groups in terms of the entrepreneurship development:

- ✚ (2 regions) Pomorskie and Wielkopolskie – both at the level of 67%
- ✚ (6 regions) Śląskie, Małopolskie, Lubuskie, Dolnośląskie, Zachodniopomorskie i Łódzkie – reached the level equal or above 50%
- ✚ (5 regions) Podlaskie, Podkarpackie, Opolskie, Świętokrzyskie, Kujawsko-pomorskie – reached the level above 35%
- ✚ (2 regions) Lubelskie and Warmińsko-Mazurskie – at the level of 25%

Review of policies and current situation in Poland
Polish Tourism Development Agency, POLAND

There is a significant difference between the Polish regions in terms of the entrepreneurship development. Mazowieckie is ahead of Pomorskie and Wielkopolskie by 20 points and by 60 points when comparing with Lubelskie and Warmińsko-Mazurskie. Table 2 presents the detailed results of some indicators that were used when elaborating the synthetic index.

Table 3. Indicators on SMEs in Polish regions in 2007 (per 1000 citizens)

Regions	No of SMEs	No of active SMEs	Investments	Employees in active SMEs
Dolnośląskie	109	49	4,6	246,1
Kujawsko-pomorskie	94	43	2,5	197,1
Lubelskie	72	36	1,5	145,9
Lubuskie	107	47	1,5	208,0
Łódzkie	102	47	4,5	220,9
Małopolskie	92	49	4,1	218,8
Mazowieckie	124	58	13,7	376,5
Opolskie	92	38	1,3	176,9
Podkarpackie	69	33	2,2	174,7
Podlaskie	75	38	1,6	152,9
Pomorskie	109	52	5,0	231,5
Śląskie	97	41	6,1	244,6
Świętokrzyskie	87	36	1,2	167,9
Warmińsko-mazurskie	81	40	1,5	173,2
Wielkopolskie	105	53	5,1	265,5
Zachodniopomorskie	125	57	2,7	206,5
Poland	99	47	3,7	235,3

Source: "Report on SMEs in 2007-2008", Polish Agency for Enterprise Development

The data about the population and households gives additional insight into the situation at national and regional level in Poland:

- ✚ Number of private households in 2002: 13,3 mln (urban areas- 8,9 mln, rural areas- 4,4 mln) according to results of the National Population and Housing Census in 2002. Next census will be carried out in Poland in 2011.
- ✚ The average monthly household nominal income available to a person was 1114 PLN (275 Eur) in 2009 (Source "The situation of households in 2009 in light of the household budget survey", Central Statistical Office)
- ✚ there is no direct relationship between the level of entrepreneurship and the number of population in rural and urban areas.
- ✚ 61% of Polish population lives in urban areas while 39% in rural areas
- ✚ Living in urban areas is more popular (above 50%) in 12 regions, and in four regions (Małopolskie, Lubelskie, Świętokrzyskie, Podkarpackie) more popular in rural areas.

Review of policies and current situation in Poland
Polish Tourism Development Agency, POLAND

Table 4. Population by Polish regions in 2009

Regions	Total	In urban areas	In rural areas	at working age
Dolnośląskie	2 876 627	2 021 634	854 993	1 893 481
Kujawsko-pomorskie	2 069 083	1 256 730	812 353	1 338 427
Lubelskie	2 157 202	1 003 920	1 153 282	1 361 161
Lubuskie	1 010 047	642 494	367 553	664 562
Łódzkie	2 541 832	1 630 989	910 843	1 624 856
Małopolskie	3 298 270	1 624 829	1 673 441	2 099 386
Mazowieckie	5 222 167	3 374 711	1 847 456	3 329 007
Opolskie	1 031 097	539 521	491 576	677 867
Podkarpackie	2 101 732	863 096	1 238 636	1 341 630
Podlaskie	1 189 731	715 761	473 970	754 096
Pomorskie	2 230 099	1 476 586	753 513	1 439 523
Śląskie	4 640 725	3 624 410	1 016 315	3 034 503
Świętokrzyskie	1 270 120	573 726	696 394	806 925
Warmińsko-mazurskie	1 427 118	854 339	572 779	929 899
Wielkopolskie	3 408 281	1 912 830	1 495 451	2 214 527
Zachodniopomorskie	1 693 198	1 162 611	530 587	1 114 593
Poland	38 167 329	23 278 187	14 889 142	24 624 443

Source: "Demographic yearbook of Poland", Central Statistical Office, Warsaw 2009

The number of the employed (31 March 2010) amounted to 8274.0 thousand persons and was by 0.4% higher than last year. The average monthly gross wages and salaries in the national economy amounted to 3316.38 zł (829 Eur). The highest monthly gross wages are in the following regions: Mazowieckie (4526,81 zł=1131 Eur), Śląskie (3648,67 zł=912 Eur). The lowest wages are in Podkarpackie (3056,33 zł=764 Eur) and in Warmińsko-mazurskie (3080,77 zł=770 Eur).

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