

Introduction to the sectoral model of chambers of commerce

Scientific seminar: (Public-law) chambers of commerce in Poland.
Assumptions and perspectives.

Łódź, 17.11.2022

Obligatory dialogue

Each case involving more than one person ceases to be an internal administrative decision, encroaching on the right of people to solve cases together, and social consultations, lobbying, representation and cooperation are forms of dialogue.

See H. Gawroński, Social consultations as a form of participation in the strategic management of local government units, Contemporary management, No. 1/2010, p. 24 et seq.

If business doesn't have a voice, it doesn't have a future. Chambers are logical channels for that voice.(...) We need to distill the best of the past and take it forward.

Ch. Mead, *Voices from the Past...*, s.20.

Dialogue is necessary due to the complexity of economic processes that the administration is unable to manage on its own. It requires an effective institutional framework. **It is not about listening, but about developing and evaluating regulatory solutions together.**

Entrepreneurs - potential

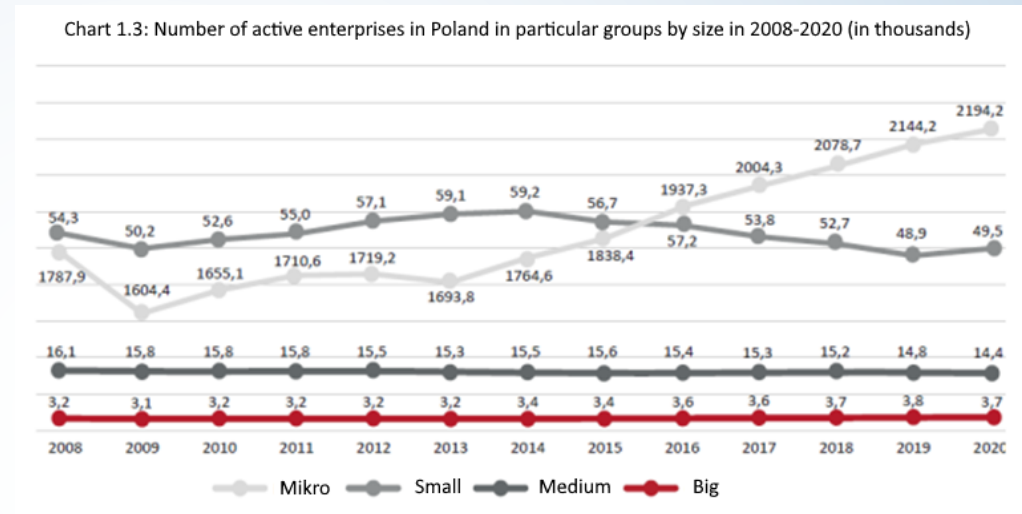
10%

2,26 mln enterprises, incl:

- 97.0% - micro-enterprises
- 2.2% - small enterprises
- 0.6% – medium-sized enterprises
- 0.2% – large enterprises

Share of enterprises in GDP - 72.3%, incl:

- 30.6% – micro-enterprises (increase by 1.6 p.p. y/y)
- 8.8% – small enterprises (decrease by 0.3 p.p. y/y)
- 10.2% - medium-sized enterprises (decrease by 0.9 p.p. y/y)
- 22.7% - large enterprises (decrease by 0.9 p.p. y/y)



Source: Report on the sectoral condition of SMEs in Poland (PARP 2022).

Business associations in Poland (KRS 2020)

Only private law associations with voluntary membership

- chambers of commerce - 447,
- employers' associations - 523,
- federations or confederations of employers' associations - 21,
- some associations (out of 84,000) and foundations (29,000),
- other entities, also unregistered, clubs and even Ltd. companies.

According to previous sources, 3-5% of enterprises in Poland are members of the membership.

Note! The problem with Art. 2 of the Act on Chambers of Commerce and the current concept of representative organizations - Art. 24 sec. 2 of the Act on the Social Dialogue Council.



(Public-law) chambers of commerce – definition

In the science of law, (public-law) **chamber of commerce** is a separate, **self-governing, public-law** entity that independently **performs** the tasks entrusted to it **in the field of public administration in the sphere of economy** (within the scope of commission or entrustment, but only in this respect, subject to government supervision), **associating under the law all entrepreneurs** (common in this group), **who appoint its organs in democratic procedures.**

In the doctrine of administrative law, it is **classified as a special self-government, which includes a group of self-governments based on a bond other than territorial.** In the case of economic self-government, the key distinguishing element is the economic bond.

Types of economic organizations

The target system of economic organizations after the establishment of the (public-law) chambers of commerce:

- public-law **chambers of commerce** (name restricted);
- private-law **employers' associations**;
- private-law **business associations**.

Research questions

- Is it possible to establish (public-law) chambers of commerce in Poland?
- Is it worth establishing (public-law) chambers of commerce in Poland?
- If the answer to the above 2 questions is positive, then it should be determined **whether the territorially organized continental model of chambers of commerce is the only and optimal choice for the Polish system in the context of economic and social challenges of the third decade of the 21st century and following years?**

The economy of the 19th vs 21st centuries

The strongly territorial continental model was based on the realities of the 19th century.

The 21st century is dominated by:

- non-territoriality of the knowledge-based economy,
- specialization, globalization, complexity of economic dependencies,
- virtualization of work and processes, digitization,
- detachment of the address of registered main office (HQ) from the "place of production".

Observation: **Today, an entrepreneur is looking for knowledge and industry support. Not an office or a local debating club.**

PKD 2007 starting point

21 sections of PKD 2007 (Polish Classification of Activities) as a starting point. Investigate whether this is an optimal division? Check options like: aggregation(?), shifting some groups or classes between sections(?), etc.

Each sectoral chamber has its own specificity in this model.

Reserving the name "chamber of commerce" for the needs of new public-law chambers of commerce means the need to repeal or amend old (1989) act on chambers of commerce.

It remains open the status of agricultural chambers and the National Chamber of Commerce (KIG).

Basis of establishment

Each sectoral chamber of commerce **must be established by dedicated act** due to the differences between them. So is (new) KIG (national umbrella organization).

The acts should include at least a basic catalog of public-law tasks of each chamber.

At the constitutional level, a sufficient basis is provided by Art. 17 sec. 2. Although it is advisable to strengthen the chambers in the Constitution - cf. local self-government.

Possibility of implementation separately for individual sectors.

Structure

Two-level:

- 21 (?) sectoral chambers.
- The National Chamber of Commerce (new KIG), as an umbrella organization dedicated to matters of a horizontal nature. It would associate only sectoral chambers. An inspection office could operate next to it, performing functions similar to RIOs (regional accounting chambers) for local self-government units.

ATTENTION (!) - management of XXI century **chambers of commerce** requires full-time staff! Including the board.

Membership and member groups

Universal membership excl. members of professional chambers (?) and entities indicated in the Act - e.g. public finance sector, seasonal entrepreneurs, the smallest and in the first year of operation. **Membership in chambers due to the subject of main activity of the company performed in the territory of the Republic of Poland** but not the address of their HQ.

4 member groups corresponding to the size classes of enterprises (micro, small, medium and large) and their share in GDP enable their balanced and fair representation in the chambers' bodies and their key committees (e.g. budget, legislative).

Enterprise size class	Micro	Small	Medium	Big
Average company size	96,08%	2,94%	0,81%	0,18%
Share in the GDP of enterprises	41,04%	11,49%	14,91%	32,56%
The average of both above-mentioned values	68,56%	7,21%	7,86%	16,37%

Private- and public-law tasks

Private law: corporate, information and statistical, lobbying and service.
Apart from corporate - their nature may be different for individual sectors.

The decentralization of public law tasks justifies the establishment of any of self-government entities. **The initiative therefore requires a clear definition of the catalog of such tasks. For chambers of commerce there are tasks:**

- **authoritative** - related to issuing administrative decisions;
- **non-imperative** - no coercive measures, but also incl. e.g. the field of education, etc.

The implementation of such diverse tasks may require considering the advisability of establishing chambers in a hybrid public-private form.

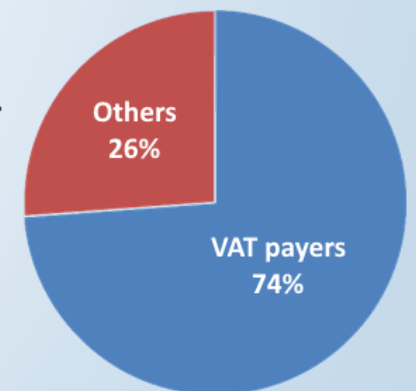
Financing

3 possible revenue groups:

- **participation in state tax revenues (VAT / CIT / PIT) - related to the membership of enterprises;**
- fees for services provided by the chambers - both private law (e.g. training, publications, mediation) and public-law (e.g. fees for extracts from registers, certificates of origin of goods);
- funds from broadly understood commercial (business) activity - carried out both on the basis of private law (e.g. publishing houses or space rental) and public-law (e.g. in the field of public infrastructure management).

With VAT revenues in 2019 (~ PLN 181 billion) and (e.g. suggested by BCC) 0.2% of the write-down, it is PLN 362 million / year or PLN 30 million / month.

The amount must secure the implementation of the catalog of public-law tasks!



Stakeholders

- Entrepreneurs
- Government administration and political parties
- Local self-government
- Professional chambers
- Chambers of agriculture and chambers of crafts
- Employers' organizations
- Current private-law chambers of commerce
- Other private law business environment organizations
- Scientists and researchers
- Others?

Summary

The sectoral model differs significantly from other public-law models. Focused on the industry affiliation of enterprises to the relevant chambers **based on the PKD 2007**, supported by **a new concept of defining member groups** and a strong emphasis on expert competences, with no regional chambers, creates a completely **new and original model of chambers of commerce**.

At the same time, the mission and potential of the chambers is broader than in continental model. On one hand responds to the challenges of today's, increasingly specialized and non-territorial economy. And on the other hand offers a rich set of competences and opportunities to build support for various stakeholder groups. Therefore, **the beneficiaries of the model are not only entrepreneurs and consultation processes carried out by public authorities**.

This model provides a **platform for an exceptionally wide decentralization of public-law tasks** - with different scope depending on the sector.



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Questions / conclusions



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(fragment recenzji dr hab., prof. INP PAN Dawida Miąsika)

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(fragment recenzji dr hab. Kazimierza Bandarzewskiego)

Piotr Marciniak – doktor nauk prawnych. Absolwent INP PAN oraz WPIA UL. Studiował ponadto na *Universiteit Antwerpen* oraz *York University* w Toronto. W działalności naukowej specjalizuje się w problematyce samorządu gospodarczego i nowych technologii. Ekspert rynku telekomunikacyjnego. Od 1999 r. udziałowiec i prezes zarządu firm telekomunikacyjnych. W 2008 r. współtwórca i do 2017 r. członek władz, w tym prezes, Krajowej Izby Komunikacji Ethernetowej. Autor lub współautor przeszło 100 stanowisk, raportów i analiz dotyczących rynku telekomunikacyjnego oraz członek i kierownik kilku resortowych zespołów eksperckich.



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PIOTR MARCINIAK



Thank you for your attention

Piotr Marciniak, PhD
Institute for Law Studies
Polish Academy of Sciences
p.marciniak@tpnets.com



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